INSTRUCTIONS
IN RESPECT OF
WRECK & SALVAGE

1926

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INSTRUCTIONS

TO

Receivers of Wreck and other Officers

CONCERNING THEIR DUTIES UNDER

THE MERCHANT SHIPPING ACTS

IN RESPECT OF

WRECKS, CASUALTIES, AND SALVAGE.

PREPARED AND ISSUED BY THE BOARD OF TRADE.

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1926

INSTRUCTIONS

TO

RECEIVERS OF WRECK AND OTHER OFFICERS

CONCERNING THEIR DUTIES UNDER THE MERCHANT SHIPPING ACTS IN RESPECT OF WRECKS, CASUALTIES AND SALVAGE.

TABLE OF CONTENTS.

General Functions and Duties.

No. of Paragraph, Subject, and Page.

1—Subject of Instructions 11
2—Classification of duties... 11
3—Principal objects of Receiver's office and powers 11
4—Districts of Receivers... 11
5—Certain persons not allowed to be Receivers 11
6—Receivers to keep on good terms with Officers of Customs and Excise, Members of the Coastguard, Agents, and Consuls ... 12
7—Relation to Boatmen 12
8—Acts to which these Instructions relate 12
9—Aircraft 12
10—Paragraphs numbered 13

Ships and Aircraft in Distress.

11—Coastguard to take command in case of ships in distress, ss. 511 to 514, 516 and 519. Boats and Aircraft are concerned as well as ships 13
12—Receiver to be guided by advice of Coastguard, s. 516... ... 13
13—Use of force in suppressing disorder, &c., ss. 511-4. Use of firearms 14
14—Not to interfere with master and crew in management of ship, s. 511 14
15—Receivers to give advice and assistance to Owners and Masters 14
16—Communication with Foreign Consuls 15

Preliminary Inquiries and Depositions in respect of Shipping Casualties.

Legal and Introductory.

17—Preliminary Inquiries. Depositions 15
18—Preliminary Inquiries, by whom to be made 15
19—Depositions, by whom to be taken 15
20—Definition of "The Officer," &c. 16
21—Arrangements for obtaining early intelligence and assistance 16
22—Co-operation of Coastguard. Nautical assistance 16
23—Other assistance 16
24—Coastguard to report casualties 16
25—Place where Inquiry is to be held 16
26—Rewards for earliest intelligence 17
27—Rewards for articles identifying wrecks 17
28—Rewards for articles identifying wrecked aircraft 17
29—The Officer has powers of Inspector, ss. 728-9 17
30—Care and accuracy required 17

Preliminary Inquiries into Shipping Casualties under Section 465 of the Merchant Shipping Act, 1894.

No. of Paragraph, Subject, and Page.

31—Preliminary Inquiries, when required 18
32—Inquiry best held by Receiver 18
33—Unnecessary when depositions are taken under s. 517. ... 18
34—Powers to summon witnesses 18
35—Form of Summons. Inq. 2 19
36—Expenses of Witnesses to be paid 19
37—Depositions on Inq. 1 19
38—Depositions in regard to Collisions 19
39—Reports of missing ships 19
40—Copies of Inq. 1. Arrangement for supplying 20
41—Wr. 1 (Appendix B). When to be filled up by Coastguard, &c. 20
42—Receiver responsible for all returns 20

Examination under Section 517 of the Merchant Shipping Act, 1894, by Receivers of Wreck in cases of Ships in Distress on the Coasts of the United Kingdom.

43—Meaning of "Ship in Distress" 20
44—Examination on oath, when required, s. 517 20
45—Form of Deposition on oath, s. 517 21
46—Professional Officer not always required 21
47—Copies of Wr. 2, to whom sent 21
48—Form of Summons. Wr. 4. Expenses of witnesses to be paid, s. 517 21
49—Collisions on coasts of United Kingdom involving "distress" of only one vessel, Inquiry into 21
50—Collisions with Foreign ships, Inquiry into 22
51—Casualties to Foreign ships, Inquiry into. Wr. 50 22
52—Fishing vessels and small pilot or pleasure boats. Wr. 1 and Inq. 1 usually sufficient 22
53—Fees and expenses, how recoverable, ss. 517, 567 22
54—Fees and Expenses not recoverable charged to Board of Trade 23

General.

55—Board of Trade minutes should not be retained when it is found that action cannot be taken 23
56—Officer's remarks not to be inserted in depositions. Report on Wr. 1. Classification of wrecks and casualties. Separate Reports in important cases 23
57—Officer's remarks, private nature of 24
58—Cases for Formal Inquiry 24
59—Examination on oath, when to be omitted 24
60—Statement for Lloyd's Agent. Wr. 52 24
61—Examination of witnesses 24
62—Persons who may be present at the examination 25
63—Interpreter, appointment of 25
64—Method of taking oath. Oath or affirmation of Interpreter or Deponents 25
65—Particulars to be ascertained, ss. 465, 517 26
66—Courses and bearings 32
67—Master's orders 33
68—Cargo, how to be described 33
69—Defective charts 33
70—Breaking of shaft 33
71—Collisions—evidence 33
72—Ship's papers saved 33

No. of Paragraph, Subject, and Page.

73—Principal Officer, reports to 33
74—Loss of fishing gear. When to be reported 34
75—Ships carrying timber deck-loads, casualties to 34
76—Grain-laden ships, casualties to 34
77—Coal-laden ships, explosion of coal gas, or spontaneous combustion of coal, on 34
78—Coal on board missing vessels, nature of, to be stated 35
79—Regulations for preventing collisions at sea 35
80—Collisions, party in fault in 35
81—Person in charge of deck responsible, s. 419 35
82—Neglect of Regulations to be reported 35
83—Failure to assist the other vessel after collision to be reported, s. 422 35
84—Improper lights, &c., to be reported 36
85—Lights in harbours, &c., Rules under local Acts to remain in force 36
86—Depositions and reports to be sent to Board of Trade 36
87—Lights, buoys, &c., accidents to, to be reported to Lighthouse Authority 36

Sunken, Stranded, or Abandoned Vessels and Aircraft.

88—Steps to be taken by Receivers 36
89—Obstructions to navigation. Appendix J: Floating mines ... 37
90—Aircraft—Sunken, stranded and abandoned 38

Custody of Wrecked Property.

91—Articles from ship, boat or aircraft in distress to be delivered to Receiver, s. 519 38
92—Object of section 38
93—Its limitations 38
94—Air Navigation (Investigation of Accidents) Regulations, 1922 and 1925 (Appendix A) 39
95—Receiver to take possession of sunken and abandoned vessels or aircraft 39
96, 97—Wreck to be reported and delivered to Receiver ... ... 39 and 40
98—Application of ss. 518 and 519 40
99—Meaning of "Derelict" 40
100—Receiver to put a fair construction on "Derelict" 40
101—Definition of "Wreck" 41
102—Course to be adopted when property delivered into Receiver's custody, under s. 518, is proved not to be wreck 41
103—Fishing boats, tackle, &c. Port letters. Appendix D. Finding of boats, &c., to be reported to Consuls. Appendix E. 41
104—Property found on dead bodies 42
105—Buoys, sinkers, &c. 42
106—Salvage of buoys 42
107—Wreck belonging to H.M. Government 42
108—Figure heads, &c., washed ashore to be reported. Form Wr. 5. Appendix B. 43
109—Coal 43
110—Receiver's powers of recovering wreck, ss. 518, 537 43
111—Coastguard to assist in recovering wreck, &c. 43
112—Wreck need not in certain cases be taken into custody of Receiver 44
113—Suspected claim to ownership 44

No. of Paragraph, Subject, and Page.

114—Claims by Agents of Owners, &c., not to be admitted until Receiver is satisfied of authority 44
115—Safe deposit of wreck, &c. Reports 44
116—Wreck or proceeds to be retained for one year, except in certain cases 44
117—Payment of expenses to be obtained 44
118—Proofs of ownership, &c., to be completed as early as possible 45
119—Wreck found in another Receiver's district 45
120—Notices of wreck to be posted up at Custom House, Wr. 8 ... 45
121—Report to be sent to Lloyd's, Wr. 8 45
122—Notices at Custom House and local offices to remain posted for 14 days 46
123—Importance of these Notices 46
124—Report Book to be kept 46
125—Receiver may appoint a Valuer, ss. 520, 522, 547, 567. Schedule XX of the Merchant Shipping Act, 1894 46
126—Inquiries to be made of masters of ships on arrival. Appendix I 46
127—Fishes Royal 46
128—Exception in Scotland. Appendix F 47

Burial of Carcases Washed Ashore.

129—Requirements of Diseases of Animals Act, 1894 47
130—Mode of burial 47
131—Burial of (*a*) fish which are not "Fishes Royal" and (*b*) carcases of animals which are not within the meaning of the Diseases of Animals Act, 1894 48
132—Payment for burial 48
133—Repayment by Local Authority 48
134—Recovery of expenses by Local Authorities in certain cases ... 48
135—Burial of Fishes Royal 48
136—Natural History Museum to be informed. Action to be taken in Scotland 49
137—Ministry of Agriculture of Northern Ireland, to be communicated with. Arrangements for burial 49
138—Payment of expenses incurred in the examination of a carcase (Northern Ireland) 50
139—Foreign animals landed alive from a wrecked or stranded vessel (Northern Ireland) 50
140—Transmission of claims for remuneration for burial of carcases 50

Wreck arrested by Admiralty Court.

141—When wreck is arrested by Admiralty Warrant, Receiver's Shipkeeper to be withdrawn 51
142—All expenses to be claimed 51
143—Notice of Receiver's claims to be sent to persons interested, &c. 51
144—And to Admiralty Court 51
145—Steps to be taken when several sets of Salvors are concerned ... 52
146—Receiver to resume possession if his claims are not satisfied ... 52

Sale of Wreck or other Property.

147—Receiver, how to act in case of sale of wreck, &c. 52
148—Sale of wrecked aircraft or aircraft wreckage 52
149—Board of Trade sanction to be obtained for sale of wreck over £5. Form Wr. 61 52

No. of Paragraph, Subject, and Page.

150—Wreck under £5 in value, &c., to be sold at once. Receipts for purchase money 53
151—Requirements of the Anchors and Chain Cables Act, 1899. Procedure in selling chain cables and anchors 53
152—May be tested in certain cases 53
153—Auctioneer should not be employed to sell wreck 53
154—Except in very special cases 54
155—Commission may be disallowed by Board of Trade 54
156—Sales to be advertised 54
157—Advertisement of sale of wreck 54
158—Receiver to fix reserve bidding at sales of wreck 54
159—Coastguard not to be allowed to purchase wreck 54

Salvage.

160—Jurisdiction in salvage cases 55
161—Receiver may appoint a Valuer in salvage cases 55
162—Fees to be paid to Valuer 55
163—How to charge Valuer's fee 56
164—Rota of Justices appointed to hear salvage cases in Northern Ireland 56
165—Fees to Assessors and Umpires, s. 548 (2), s. 550 (5) 56
Scale of fees and costs to be awarded in salvage cases determined by "Arbitrators" in Northern Ireland, ss. 547, 550, 745 56
166—Receiver to assist in settling claims... 58
167—Mode of settling salvage claims, ss. 547-550 58
168—Receiver to act impartially 59
169—Salvage for saving life to be first charge on the ship and cargo, ss. 544, 546 59
170—Salvage will in some cases be paid by Board of Trade 59
171—Receiver's claims for salvage 59
172—Coastguard's claims for salvage 59
173—Must be sanctioned by Board of Trade, Wr. 17-18, Appendix B 60
174—Customs Officers' claim for salvage 60
175—Salvage services rendered by H.M. ships 60
176—Principles for determining the amount due 60
177—Principles to be followed in awarding salvage. Degree of danger. Value of property saved. Risk incurred by Salvors. Value of and risk to property used in rendering the service. Skill shown by Salvors. Salvage by Pilots 60 to 62
178—Agreements made prior to performance of towage services ... 62
179—Apportionment of salvage, s. 555 62
180—Principles on which apportionment is to be made. Apprentices 63
181—Apportionment of salvage—Crews of Foreign Ships 65
182—Receiver to detain property for payment of salvage, and release it on security being given 65
183—Form of bond, Wr. O 1... 66
184—Security may be by deposit in cash 66
185—Property not to be detained after security is lodged 66
186—Receiver not to interfere after security is lodged unless applied to 66
187—Receiver not to be party to legal proceedings 67
188—Duty in case of sale of property, s. 553 67
189—Payment of salvage 67
190—Salvors not to sub-divide property in order to increase reward 67
191—Payment of salvage where net proceeds are small 67
192—Foreign fishing gear 67
193—Payment in advance of sale—anchors and chains 68

No. of Paragraph, Subject, and Page.

194—Special salvage services 68
195—Dutiable articles 68
196—Payment in advance of sale—articles other than anchors and chains 68
197—Payments in advance—General 69
198—Salvors' receipts 69
199—Protection of Customs Revenue 69

Delivery of Property to Owners or their Agents.

200—Property to be delivered to Owners 69
201—Claim of representatives of deceased Master or Crew 69
202—Property belonging to deceased passengers 69
203—Receiver not responsible for property after giving up possession 70
204—Claim by Agent, &c. 70
205—Whole of property to be taken 70
206—Claim after expiration of 12 months 70
207—Master to be treated as Agent for the Owners of both ship and cargo 70
208—Receiver to treat Consuls of certain countries as Agents for Owners without requiring proof of Agency, s. 521. In other cases proof to be required 70
209—Reference to Board of Trade 71
210—Delivery of wreck by Receiver not to prejudice title 71

Rights of Lords of Manors and other Persons claiming Wreck.

211—Person exercising Admiralty jurisdiction not to interfere, s. 529 72
212—Lord of the Manor, &c., not entitled to unclaimed wreck unless notice is given and proof made 72
213—Wrecked aircraft or aircraft wreckage 72
214—Proceeds of unclaimed wreck not to be paid over without special directions 72
215—Lords of Manors' claims not to be admitted without the sanction of the Board of Trade 73
216—Lords of Manors seldom entitled to wreck found floating ... 73
217—Landward and seaward limits of claims of Lords of Manors ... 73
218—Wreck found bumping 73
219—Where a Lord of a Manor is entitled to unclaimed wreck a report must be sent to him, s. 524 74
220—Lord of Manor may under certain circumstances have possession before 12 months 74
221—Form of guarantee. Wr. 21, Appendix B 74
222—Disputes to be referred to Board of Trade 75
223—All wreck must be reported to Receiver, s. 518 75

Payments to Lords of Manors.

224—Quarterly statements to be sent to Board of Trade. Wr. 22, Appendix B 75

Wreck Revenue.

225—Wreck to be sold and proceeds accounted for at the end of a year, ss. 522, 525 75

Receivers for Particular Districts.

No. of Paragraph, Subject, and Page.

226—Receiver specially appointed to have powers of Head Receiver in his absence 76
227—Any assistant to Head Receiver may take custody of wrecked goods, but may not exercise other powers of Head Receiver... 76
228—Depositions may be taken by Receivers specially appointed ... 76
229—Remuneration of Receivers and Persons holding appointments under s. 465 who are not Customs Officers or members of the Coastguard 76
230—Accounts 76

Co-operation of Coastguard.

231—Assistance to ships or aircraft in distress, ss. 511-514 77
232—Property washed ashore out of a ship or aircraft in distress, s. 519 77
233—Guarding of wreckage by Civilians when Coastguard not available 77
234—Wreck found to be taken possession of by Coastguard 78
235—Coastguard to seize wreck washed out of stranded ship or aircraft and improperly dealt with 78
236—Receiver to fill up Form Wr. 6 and transmit it to Coastguard 78
237—Coastguard to search for concealed wreck 78
238—To send notice of concealed wreck to Receiver 78
239—To apply to a Justice for a Search Warrant 78
240—Wreck seized, how to be dealt with 79
241—Wreck seized to be reported to the Receiver 79
242—Receiver to make entries, &c. 79
243—Wreck generally to be disposed of by Receiver 79
244—Coastguard to be guided by Receiver in all wreck transactions 79
245—Salvage not to be advanced by Coastguard 79

Co-operation of the Constabulary in Northern Ireland.

246—Co-operation of the Uuster Constabulary 79
247, 248 } Payments to Constabulary 79

Fees and Remuneration.

249—Fees chargeable under the Act. Payments by Owners when services are rendered 80
250—Explanation of the fee of 10*s.* for reporting to Lloyd's... ... 80
251—Percentage on wreck 80
252—£20 to include percentage both on hull and cargo 81
253—Wreck spread over more than one district 81
254—Receivers not to claim percentage on property taken from a vessel or aircraft in distress unless property is really abandoned 81
255—Fees on derelicts 81
256—Fees for assisting ships in distress. Schedule XX 82
257—Fees on wreck taken possession of by a General Lighthouse Authority under s. 531 82
258—Fees for copies of depositions furnished by Receivers... ... 82
259—Fees for valuations 82
260—No remuneration to be paid without authority of Board of Trade 82
261—Interpreter's fee 83
262—Fees taken by Receiver 83

Expenses.

No. of Paragraph, Subject, and Page.

263—Travelling and personal expenses of Receivers and other Officers. Form Wr. 17, 18.... 83
264—Civilian Deputy-Receivers: subsistence allowances: travelling expenses 84
265—Payment of expenses when Customs Officer sells wreck on behalf of the Receiver 85
266—Payment for extra work by Coastguard 85
267—Claims to be sent to Board of Trade, Form Wr. 17, 18... ... 85
268—Expenses of Officers of Coastguard when making preliminary inquiries 86
269—Fee for nautical assistance 86
270—Expenses of prosecutions and formal inquiries to be submitted to Solicitor before payment 86
271—Double value to be claimed in certain cases of prosecution, s. 518 86

Accounts and Returns.

272—Report Book to be kept by Receivers 86
273—Estimated value of wreck to be carefully inserted 86
274—Warrant to be given to Salvor 87
275—Transactions in respect of wreck to be entered in the Report Book 87
276—Corner of leaf to be cut off 87
277—Books to be kept by Officers 88
278—Copy of entries in Report Book to be sent to Board of Trade, and weekly Return of entries to be sent by Deputy Receiver to Head Receiver Wr. 2, 5, 7 and 10 88
279—Accounts to Owners, &c. 88
280—Account of sums received and paid 88
281 } Sums received and disbursed on account of each article of
282 } wreck to be kept distinct ... ... 88 and 89
283—Separate receipts to be taken for all payments in respect of separate articles 89
284—Vouchers to accompany Schedule 10 89
285—General expenses, how to be brought to account 89
286—Rules as to imprests and remittances, F 2, and F 3 89
287—Written authority necessary when one person receives money for another 89
288—Cash Books 89
289—Accounts Current, Schedules 10 and 13 90

Stationery and Printed Forms.

290—Supplies to be obtained from Superintendent of Stores ... 90
291—Stationery for Customs Officers 90
292—Distribution of circulars and instructions 90
293—Postage and letters 90

APPENDIX A.

(1) The Admiralty Court Act, 1861 (24 & 25 Vict. cap. 10). An Act to extend the Jurisdiction and improve the practice of the High Court of Admiralty 91
(2) The Larceny Act, 1861 (24 & 25 Vict. cap. 96) 95
(3) County Courts Admiralty Jurisdiction Act, 1868 (31 & 32 Vict. cap. 71) 96
(4) Merchant Shipping Act, 1894 (57 & 58 Vict. cap. 60), various sections 97
(5) Merchant Shipping Act, 1897 (60 & 61 Vict. cap. 59). Extension of powers under the Merchant Shipping Act, 1894 ... 137

No. of Paragraph, Subject, and Page.

(6) Merchant Shipping Act, 1906 (6 Edw. 7. cap. 48). Various sections 137
(7) Oaths Act, 1909 (9 Edw. 7. cap. 39) 140
(8) Pilotage Act, 1913 (2 & 3 Geo. 5. cap. 31), Section 45 140
(9) Merchant Shipping (Salvage) Act, 1916 (6 & 7 Geo. 5. cap. 41)... 141
(10) Air Navigation Act, 1920 (10 & 11 Geo. 5. cap. 80). Certain sections 141
(11) Order-in-Council dated 10th August, 1921, under the Air Navigation Act, 1920, applying, with adaptations, the provisions of the Merchant Shipping Act, 1894, as to Wreck and Salvage, to Aircraft 141
(12) Air Navigation (Investigation of Accidents) Regulations, 1922, dated 28th June, 1922, *as amended by* the Air Navigation (Investigation of Accidents) Regulations, 1925, dated 1st November, 1925 143

APPENDIX B.

(*a*) List of Forms used in connection with Wrecks and Inquiries 148
(*b*) Classification of Shipping Casualties for the purposes of the Wreck Register 149

APPENDIX C.

Order in Council containing the Regulations for Preventing Collisions at Sea 150

APPENDIX D.

List showing the Initial Letters assigned to various Ports in Foreign Countries, parties to the North Sea Fisheries Convention, for the purposes of Registry of Sea Fishing Boats 161

APPENDIX E.

International Convention for the purpose of regulating the Police of the Fisheries in the North Sea outside Territorial Waters (Art. 25) 164

APPENDIX F.

Messrs. Sands' Report on Whales 164

APPENDIX G.

Instructions issued to the Ulster Constabulary with respect to their duties in connection with Wrecks and Wrecked Property 165

APPENDIX H.

Expenses of Witnesses retained for Inquiries and Prosecutions ... 167

APPENDIX I.

Instructions of Customs as to inquiries to be made of masters of vessels respecting wreck picked up at sea 170

APPENDIX J.

Instructions of Customs as to inquiries to be made of masters of vessels respecting "Derelicts," "Wreck," or "Ice" passed by them during voyage 170

APPENDIX K.

Anglo-French Declaration respecting Wrecks and Wrecked Property 171
Anglo-Danish Agreement respecting Wrecks and Wrecked Property 174

INDEX. 176

INSTRUCTIONS

TO

RECEIVERS OF WRECK AND OTHER OFFICERS.

General Functions and Duties.

1. Subject of Instructions.—The present Instructions relate to duties to be performed by various public Officers in respect of Wrecks and Casualties. The Officers in question are:—

(*a*) Receivers of Wreck

(*b*) Officers and men of H.M. Coastguard.

(*c*) Officers of H.M. Customs and Excise.

(*d*) Other persons specially appointed to make preliminary inquiries.

2. Classification of duties.—The duties of these several Officers may be classified as follows:—

(i) Assistance in cases of Wreck or Casualty, including the preservation of life and property, and the prevention or suppression of disputes and differences amongst those assembled on the occasion.

(ii) Preliminary inquiries into Wrecks and Casualties.

(iii) The safe custody of wrecked property, and the restoration thereof to the Owners.

(iv) The settlement of Salvage claims.

(v) The protection of the Customs Revenue.

(vi) The protection of the Revenue arising from unclaimed Wreck.

3. Principal objects of Receiver's office and powers.—Receivers will bear in mind, that the principal objects for which they are appointed are the protection and preservation of wrecked property, the restoration thereof to the owners, and the procuring of information respecting wrecks. Should there be reason to suspect that any Receiver neglects these objects, or makes them subordinate to his own interests, or uses the powers committed to him for private purposes, the charge will be strictly investigated.

4. Districts of Receivers.—The limits of the districts of Receivers will be specified in their appointments.

5. Certain persons not allowed to be Receivers.—No person will be allowed to retain the office of Receiver—

(a) *Who is concerned directly or indirectly in the purchase or sale of wrecked goods or articles, or of ships or boats, ship's tackle, apparel, or furniture, or other marine stores; or*

(b) *Who is concerned directly or indirectly in the building or repairs of ships or boats; or*

(c) *Who is a Consul or Vice-Consul for any Foreign State; or*

(d) *Who acts or claims to act in respect of any wrecked ship or other property as Agent for any person having or claiming any interest therein, whether such last-mentioned person is an Owner, a Shipper, a Consignee, an Insurer, or a Salvor.*

6. Receivers to keep on good terms with Officers of Customs and Excise, Members of the Coastguard, Agents, and Consuls.—The Receivers, Officers of Customs and Excise and members of the Coastguard must do their utmost to keep on good terms with each other, and also with Lloyd's Agents or other Agents acting for Owners or Insurers, and with the Consuls, Vice-Consuls, and Consular Agents of Foreign Countries. They should also do their best to procure, if necessary, the co-operation of Consuls, Vice-Consuls, and Consular Agents, or of any other Agent that may be acting on behalf of the Owners or Insurers. Disputes between these parties have often led to great delay and loss. Should they occur, they will be strictly investigated with a view to discovering who is in fault, and what have been the causes of the disagreement.

7. Relation to Boatmen.—Every Receiver or member of the Coastguard will endeavour to make himself acquainted with boatmen and others in the district, who are likely to act as salvors or to find or recover Wreck; and he should also make himself and his office known to them. He will remember that the powers of controlling and directing such persons, and of furthering and adjusting their claim for Salvage, are to be exercised in such a manner as shall most conduce to the preservation of life and property, and that he stands between them on the one hand, and the Owner and Insurer on the other, in an independent and quasi-judicial position, and is bound to act impartially.

8. Acts to which these Instructions relate.—The sections of the Merchant Shipping Acts referred to in these Instructions are printed in Appendix A. The Officers to whom these Instructions are issued will remember that it is not intended by such Instructions to relieve them from the obligation of making themselves intimately acquainted with the Acts themselves.

9. Aircraft.—In accordance with section 11 of the Air Navigation Act, 1920, and the Order-in-Council made thereunder on the 10th August, 1921 (Appendix A), aircraft on or over the sea or tidal waters and aircraft wreckage salved from the sea or tidal waters should be dealt with in the same way as vessels and wreckage are dealt with under the provisions of the Merchant Shipping Acts. Sections 465, 517 and 728 of the Merchant Shipping Act, 1894, relating to inquiries are not applicable to aircraft.

10. Paragraphs numbered.—The paragraphs in these Instructions are numbered for facility of reference. The sections referred to are sections of the Merchant Shipping Act, 1894, unless otherwise specified.

Ships and Aircraft in Distress.

11. Coastguard to take command in case of Ships in distress. ss. 511 to 514, 516, and 519.—The Coastguard will take all the means in their power to obtain the earliest intelligence of any ship that may be stranded or in distress and upon receiving such intelligence will take such steps as they may consider necessary for the preservation of the lives of the persons on board, and of the ship and her cargo and apparel; and the Coastguard in charge will for that purpose exercise such of the powers given to him by sections 511, 512, 513, 514, 516 and 519, as may be necessary. Subject to the approval of the Board of Trade small rewards for first intelligence may be given. See paragraph 26.

The term "Principal Officer of Coastguard" referred to in section 516 means the senior member of the Coastguard on the spot, irrespective of his rank.

Boats are concerned as well as Ships.—As the sections of the Merchant Shipping Act, upon which this paragraph is founded, relate to boats as well as to ships, the three following paragraphs are to be read as applying to both ships and boats. Any casualty to a boat in which loss of life occurs should be reported to the Board of Trade.

Aircraft are also concerned as well as ships and boats.—As the sections of the Merchant Shipping Act, upon which this paragraph is founded, have been made applicable to aircraft on or over the sea or tidal waters under the provisions of section 11 of the Air Navigation Act, 1920, the five following paragraphs are to be read as applying to such aircraft as well as to ships and boats. Any casualty to an aircraft on or over the sea or tidal waters should be reported to the nearest Aerodrome if in the locality, otherwise to the Air Ministry by telegram, which should be marked "On Air Ministry Service." The telegraphic address of the Air Ministry is "Airministry, London." Any casualty should also be reported to the Naval Authorities when the casualty occurs in the vicinity of a Naval Port.

12. Receiver to be guided by advice of Coastguard. s. 516.—The Receiver will, when on the spot, have by law the powers given by the sections referred to in paragraph 11, and will exercise them accordingly; but as the duties to be performed will for the most part be such as to render indispensable the experience of the Coastguard, the Receiver will, in giving any directions for the preservation of life or property from shipwreck and for preventing plunder and disorder, be guided by the advice of the Coastguard. *See also* paragraph 231.

13. Use of force in suppressing disorder, &c. ss. 511-514.—In exercising the before-mentioned powers, Receivers and members of the Coastguard will remember that they, and those under them are performing duties which require the utmost tact, as well as firmness and presence of mind. They are armed with full powers, and may even use force; and they are bound to do so if they can by no other means prevent plunder, disorder, or obstructions to the saving of life and property. But if proper firmness and judgment be shown, it will seldom, if ever, be necessary to resort to extreme measures; and whilst the law gives indemnity for violence done to others by the Receiver or member of the Coastguard in the due discharge of their duty, this indemnity must not be considered as extending to cases where a quarrel ending in violence may have been caused or aggravated by indiscretion or misconduct on their part. The Officer in command will also remember that all persons disobeying his orders are subject to severe penalties, and he will warn such persons accordingly, and will, if they persist, apply to the Board of Trade for directions as to the propriety of enforcing such penalties. The placard marked Wr. 39 (see Appendix B) should be extensively circulated.

Use of Firearms. s. 514.—Firearms ought not to be used except in cases which are clearly within the meaning of section 514, and then only when absolutely necessary. Firing over the heads of persons plundering wreck for the purpose of terrifying or warning them is on no occasion to be permitted. Where, as may happen in some districts, the Receiver or the Coastguard are unable to protect wreck from plunderers, the facts should be immediately reported by telegram to the Mercantile Marine Department, Board of Trade (*Telegraphic Address*—Shipminder, Parl., London), and, if in Northern Ireland, to the Ministry of Home Affairs for Northern Ireland, Belfast.

14. Not to interfere with Master and crew in management of ship. s. 511.—Receivers and members of the Coastguard will observe that the enactments above referred to give them no power to interfere with the Master and his crew in matters relating to the management of the ship, unless requested so to do by the Master. To this limitation of their power they will carefully attend; they will tender their assistance, mentioning their office and powers, and if it be declined, they will leave the responsibility to the Master, and will not further interfere, except for the purpose of taking custody of articles washed ashore or otherwise taken from the ship, or for the purpose of settling salvage claims if disputes arise, or for the purpose of protecting the Customs Revenue.

15. Receivers to give advice and assistance to Owners and Masters.—*It cannot be too strongly impressed on Receivers that it is their duty to act towards ships in distress in such a manner*

as may induce Masters and Owners to look to them for disinterested advice and assistance, and as may prevent any suspicion that they are acting with a view to their own interests.

16. Communication with Foreign Consuls.—In cases where a vessel is in distress, as well as in all other cases falling within the scope of these Instructions, the Receiver or other Officer will, if the vessel is a foreign vessel, communicate with the Consul or Vice-Consul of the nation to which she belongs.

PRELIMINARY INQUIRIES AND DEPOSITIONS IN RESPECT OF SHIPPING CASUALTIES.

Legal and Introductory.

17. Preliminary Inquiries.—The legal provisions for making preliminary inquiry and taking depositions in the United Kingdom in respect of shipping casualties are contained in sections 464, 465 and 517.

ss. 464 and 465.—Section 465 provides for inquiry by examination on oath of witnesses in every case of a shipping casualty as defined by section 464. These two sections apply to almost every description of casualty to a British ship at home or abroad, or to a foreign ship within British jurisdiction.

Depositions. s. 517.—Section 517 provides for a special examination on oath in respect of ships in distress on the coasts of the United Kingdom.

18. Preliminary Inquiries, by whom to be made.—The Officers empowered to make preliminary inquiry under section 465 are as follows, viz. :—

(*a*) Inspectors and District Officers of H.M. Coastguard.
(*b*) Chief Officers of H.M. Customs and Excise.
(*c*) Any person appointed by the Board of Trade for the purpose of making such inquiry.

Such Officers cannot also take depositions under section 517, unless they hold appointments as Receivers of Wreck.

19. Depositions, by whom to be taken.—The persons empowered to take depositions under section 517 are as follows, viz. :—

(*a*) Receivers of Wreck.
(*b*) Wreck Commissioners (if any).
(*c*) Justices of the Peace.

In practice depositions under section 517 are taken by Receivers, who are, as a rule, also Chief Officers of Customs and Excise, and can therefore also make preliminary inquiry under section 465.

20. Definition of "The Officer," &c.—In the following instructions "the Officer" includes every Officer empowered to take depositions or make inquiry under any section of the Merchant Shipping Acts relating to shipping casualties, "Officer of the Coastguard" means Inspector or District Officer of Coastguard, "Head Receiver" means a Receiver who has other Receivers in his District, and "Receiver" includes Head Receiver, when not otherwise specified.

21. Arrangements for obtaining early intelligence and assistance.—The Head Receiver will make arrangements with Inspectors and District Officers of Coastguard and with Officers of Customs and Excise in his district for the purpose of ensuring inquiry into every case of distress, loss, or casualty within the meaning of the sections above referred to at the earliest possible moment.

If the Head Receiver should require assistance, he should inform the Board of Trade without delay, and forward the names of members of the Coastguard or Customs and Excise Service whom he recommends for appointments as Receivers or as "persons" within the meaning of section 465.

22. Co-operation of Coastguard. Nautical assistance.—Cordial co-operation between members of the Coastguard and Receivers in making preliminary inquiry is of the utmost importance.

The Receiver or other Officer not a member of the Coastguard should, when necessary, seek the advice and assistance of the Inspector or District Officer of Coastguard. *See also* paragraphs 32 and 46.

23. Other assistance.—When the assistance of a member of the Coastguard is not available, the Board will be prepared to consider any recommendation the Head Receiver may make to meet the difficulty, or may, if expedient, direct one of their Nautical Officers to attend.

24. Coastguard to report Casualties.—Arrangements have been made by which members of the Coastguard are to report all casualties of which they may hear to the Receiver in whose district their stations may lie if it has not been convenient for the Receiver to take particulars.

25. Place where Inquiry is to be held.—When a casualty happens on the coast, and any of the crew of the ship are still on the spot, the Officer should proceed to the spot and make the inquiry before any of the witnesses leave.

When the casualty happens at sea or abroad, and any of the crew arrive or reside at any place within the Officer's district, he will, unless a Naval Court or Court of Inquiry has been held abroad, examine them as soon as possible, summoning them to attend before him if necessary.

When other important witnesses can be found elsewhere, he will give notice to the Officer of the district in which they are, in order that the latter Officer may make inquiry. (*See also* paragraph 263(*d*) as to expenses which may be incurred.)

26. Rewards for earliest intelligence.—It should be made widely known in each district that, subject to the approval of the Board of Trade, a small reward will be granted to any person who brings to the Officer the first intelligence of any ship or aircraft on or over the sea or tidal waters in distress. *See also* paragraph 263, sub-paragraphs *a* and *c*, as to charging.

27. Rewards for articles identifying Wrecks.—Subject to the approval of the Board of Trade, a small reward will also be paid for the delivery to the Officer of bottle messages, nameboards, and other articles which, though of no intrinsic value, may possibly lead to the identification of wrecked vessels. These rewards should be charged in column 3 of Schedule 10. Lloyd's or Lloyd's agent should be informed at once of the salvage of a lifebuoy or other article bearing the name of a vessel, if this has not already been done by the Coastguard. If this information is sent by telegram, the cost should be recovered from Lloyd's or their agent. *See also* paragraph 263 (*c*) as to charging.

28. Rewards for articles identifying wrecked aircraft.—A small reward will be paid in cases where articles similar to those enumerated in paragraph 27 appear to come from aircraft wreckage and are delivered to the Officer.

The Officer should inform the Air Ministry when such articles come into his possession.

The rewards paid in these cases will be refunded by the Air Ministry, to whom application should be made for such refund.

29. The Officer has powers of Inspector, ss. 728 and 729.—The Officer making preliminary inquiry under section 465 or taking depositions under section 517 is vested with all the powers of an Inspector under sections 728 and 729, and may, when necessary, examine upon oath, or, in lieu of requiring or administering an oath, require every person examined to make and subscribe a declaration of the truth of the statements made by such person in his examination. He also has power to call for the Log Book and other documents and papers, and to make any personal inspection which may be necessary for the purposes of the examination. A competent witness of the facts may be examined whether such witness does or does not belong to the vessel concerned or is or is not a British subject.

30. Care and accuracy required.—The statements and depositions obtained under these instructions, besides being of great value for statistical purposes, are frequently made use of in formal inquiries and proceedings in courts of law. They are also of great use in the private settlement of salvage and insurance claims, and are often referred to by solicitors in Admiralty suits.

The Officers should therefore bear in mind that in making preliminary inquiry or taking depositions they are not merely recording any narrative probable or improbable that may be related to them, but that they are exercising an important and quasi-judicial function, and that their reports may be made the foundation of proceedings materially affecting the interests of the parties concerned. Great care should accordingly be taken to secure that the witnesses are examined whilst the facts are fresh in their minds; that the evidence is thoroughly sifted; and that all material facts are recorded in each case. *See also* paragraph 61.

Preliminary Inquiries into Shipping Casualties under Section 465 of the Merchant Shipping Act, 1894.

31. Preliminary Inquiries, when required.—Section 464 provides for preliminary inquiry into almost every description of casualty to a British ship wherever occurring, and, if a witness is found in Great Britain or Northern Ireland, to a foreign ship wherever occurring. In the case, however, of a foreign ship which has stranded, and where the damage is not material, there is no power to take a deposition under this section if the casualty took place outside British jurisdiction; but power exists if the damage is material, or if the casualty took place on or near the coasts of Great Britain and Northern Ireland. British jurisdiction may for this purpose be considered to extend for three nautical miles from every point on the low-water mark of the coast-line, and in the case of bays or inlets whose width at the entrance does not exceed six miles for a distance of three nautical miles to seaward of a line drawn across the entrance. *See also* paragraph 51.

32. Inquiry best held by Receiver.—The inquiry may be held by any one of the Officers mentioned in paragraph 18, but it is desirable, when possible, that it should be held by a Receiver of Wreck in his capacity of Chief Officer of Customs and Excise. *See also* paragraph 22.

33. Unnecessary when depositions are taken under s. 517.—The provisions for this inquiry extend to all cases of distress coming within the meaning of section 517, but when the Officer is empowered to take depositions under that section, it will seldom or never be necessary to take evidence under section 465. *See also* paragraph 44.

34. Powers to summon Witnesses.—If any persons should refuse to attend and answer, or to produce the necessary evidence, or should impede the inquiry, the Officer conducting the inquiry will call their attention to the powers given to him by sections 465, 728, 729 and 730, and if they still refuse, he will proceed against them before two justices for the penalties.

35. Form of Summons. Inq. 2.—Whenever the Officer has any reason to think that it may be necessary to proceed against witnesses for refusing or neglecting to attend, he will serve them with a form of summons under his hand. A form of summons has been prepared for the purpose, and is marked Inq. 2 (*see* Appendix B). The Officer will be careful to provide for the easy proof of the service of every summons.

36. Expenses of Witnesses to be paid.—The person thus summoned must have his actual expenses (if any) tendered in cash, and his receipt for the amount must be taken at the time he is served with the summons.

The amount so advanced is not a charge on the ship, and will, upon production of the proper vouchers, be repaid to the Officer advancing it by the Receiver at the nearest port, and charged by him in Schedule 10, column 11.

37. Depositions on Inq. 1.—Depositions should be obtained on form Inq. 1 (*see* Appendix B) in every case of serious loss or apprehended loss of property by shipping casualties not coming within the meaning of section 517, or whenever questions of importance arise relating to the dangers of navigation or the conduct of individuals or the seaworthiness of ships, as affected by casualties outside the scope of that section.

When a vessel has sustained two or more casualties, particulars of the casualties should not be included in one deposition, but a separate deposition should be taken for each casualty.

38. Depositions in regard to Collisions.—In cases of collision, statements on oath should not be taken unless one of the vessels concerned is seriously damaged and in need of assistance or unless special instructions are received from the Board of Trade. But whenever a deposition is taken from one of the vessels involved in a collision a deposition should invariably be taken from the other vessel also. If this cannot be done because the second vessel has departed the Receiver at the port to which she is supposed to be bound should be notified. Similarly in salvage cases a deposition made by one party should be accompanied by a deposition by the other party.

39. Reports of Missing Ships.—Depositions on Inq. 1 should be obtained whenever a British ship is overdue and supposed to have been lost, if any witnesses can be found in the United Kingdom who can give information as to the circumstances under which she proceeded to sea or was last heard of. If no such evidence is forthcoming, the Officers at the ports to which she belonged and from which she last sailed, should report on form Wr. 1 all particulars which they can obtain relating to the ship's condition, crew, cargo, voyage, &c., on leaving port, and they should state whether any opinion has been formed as to the cause of her disappearance, such as collision, unseaworthiness, overloading, bad stowage of cargo, or the state of the weather which she probably encountered on her voyage.

40. Copies of Inq. 1. Arrangement for supplying.—The depositions on Inq. 1 should be forwarded to the Mercantile Marine Department, Board of Trade in original. Copies should not be sent to Lloyd's, and applicants for copies should be referred to the Mercantile Marine Department, Board of Trade, from whom they may, as a rule, be obtained, except in cases of collision, salvage, &c., wherein depositions have only been made on one side. In such cases copies are supplied only at the request or with the consent of deponents or their representatives. (*See also* paragraph 86.)

As to copies of depositions on Wr. 2, *see* paragraph 258.

Receivers should make this arrangement known as widely as possible amongst shipowners, cargo owners, underwriters, and other persons interested.

41. Wr. 1 (Appendix B). When to be filled up by Coastguard, &c.—When the casualty occurs at a place where there is no Officer legally empowered to make preliminary inquiry or take depositions, and it is likely that the witnesses may leave before the arrival of such an Officer, the Coastguard or Officer of Customs and Excise on the spot should obtain as full a statement as possible on form Wr. 1, and forward it to the Receiver for the district. The names and addresses of the important witnesses should be stated, so that further evidence may be obtained if necessary.

42. Receiver responsible for all returns.—The Receiver will be held responsible for the completeness and accuracy of returns prepared by members of the Coastguard and Officers of Customs and Excise, and should instruct such officers in the use of the forms. The returns should be transmitted to the Board without delay. As to supply of forms, *see* paragraph 290.

Examination under Section 517 of the Merchant Shipping Act, 1894, by Receivers of Wreck in cases of Ships in Distress on the Coasts of the United Kingdom.

43. Meaning of "Ship in Distress."—A ship is in distress when she is imminently endangered and in need of assistance, or is wrecked, but this must not be regarded as an exhaustive definition.

44. Examination on Oath, when required. s. 517.—The power of making examination on oath under section 517 extends as follows :—

(1) To British ships which are, or have been, in distress on the coasts of the United Kingdom (i.e., in the vicinity of the shores at a reasonable distance depending on the circumstances of each case) or within any port, harbour, estuary, bay or waters which are situate within the body of a county. (*See also* paragraphs 50 and 52.)

(2) In the case of foreign ships which are, or have been, in distress on the coasts of the United Kingdom (i.e., in the vicinity of the shores at a reasonable distance depending on the circumstances of each case), provided that a person belonging to such ship or any other person who may be able to give any account thereof or of the cargo or stores thereof be found within the limits of British jurisdiction. For a definition of British jurisdiction *see* paragraph 31.

45. Form of Deposition on oath. s. 517.—The examination provided for by section 517 can be held by the persons named in paragraph 19, but in practice such an examination is generally held by a Receiver, and takes the form of a deposition on oath on the form Wr. 2 (*see* Appendix B). To meet those cases to which they are unable to attend promptly, Receivers who are not Head Receivers, should communicate with the Head Receiver, who will act in accordance with paragraph 21.

46. Professional Officer not always required.—The attendance of a professional Officer as nautical assistant at an examination on oath under section 517, when considered to be unnecessary, may be dispensed with, but in such cases the Receivers should state the circumstances. (*See also* paragraph 22.)

47. Copies of Wr. 2, to whom sent.—Copies of the examination on Form Wr. 2, *which must be duly certified under the hand of the Receiver*, are to be sent without delay to the Board of Trade and to the Secretary, Lloyd's London E.C.3., and copies may, when required, be supplied to owners and others interested, on payment of the copying charges shown in paragraph 258. Care should be taken that the copies furnished to Lloyd's and parties interested should not contain any remarks by the Receiver or Officer assisting him. (*See also* paragraph 86.)

48. Form of Summons. Wr. 4. Expenses of Witnesses to be paid. s. 517.—When any person refuses to attend before the Receiver for the purposes of this examination, the Receiver will by summons under his hand compel his attendance. A form of summons marked Wr. 4 (*see* Appendix B) has been prepared for such occasions, but it must not be used unless a witness refuses to attend. The necessary expenses of the person summoned should be tendered in cash in such cases and a receipt for the amount should be taken, but these expenses, unlike those incurred under section 465, are a charge on the ship, and should be recovered in the manner pointed out in paragraph 53.

49. Collisions on coasts of United Kingdom involving "distress" of only one vessel, Inquiry into.—In cases of collision between ships on the coasts of the United Kingdom in which only one of the ships becomes in distress, depositions on Wr. 2 should be obtained from the crew of the other ship, as persons able to give an account of the distress of the disabled ship, and care should be taken that both ships are placed as nearly as possible

in the same position as regards the evidence recorded. No fee or expenses should, however, be charged to the vessel which was not in distress. (*See also* paragraph 71.)

50. Collisions with Foreign ships, Inquiry into.—In the case of a collision between a British ship and a foreign ship at a place at sea not coming within the meaning of " on the coasts " as before explained, or even on the coasts if the foreign ship and her crew proceed without entering a British port, the master of the British ship should not be required to make a deposition under section 517 of the Act. Depositions should, however, be taken on Inq. 1, and sent in original to the Board of Trade with the Officer's report on form Wr. 1, but copies should not be sent to Lloyd's or furnished to parties.

51. Casualties to Foreign ships, Inquiry into. Wr. 50.—In the case of a foreign vessel arriving in Great Britain or Northern Ireland after having suffered damage outside British jurisdiction (*see* definition in paragraph 31) the officer should endeavour to obtain particulars from the master and crew on form Wr. 1; if the damage is not serious, and difficulty is experienced in getting these particulars, the officer need not press the request.

In the case of any casualty to a foreign vessel, if the damage is serious, or if a British ship has been involved in the casualty, the officer should take a deposition on Inq. 1. If a British ship is not involved, the officer need not exercise his power to take such a deposition; it is expected that with a little management he will generally obtain information to enable him to fill up a Wr. 1 to be sent to the Board of Trade for statistical purposes.

52. Fishing vessels and small pilot or pleasure boats. Wr. 1 and Inq. 1 usually sufficient.—Depositions need not be taken under section 517 in cases of distress of fishing vessels, or of small and uninsured pilot or pleasure boats, unless the Receiver has reason to think that someone is seriously in default or the owners or other persons interested apply for such depositions to be taken. The statements on Wr. 1 and Inq. 1 will usually be sufficient in respect of such vessels unless the distress is caused by collision with trading vessels.

53. Fees and expenses, how recoverable. ss. 517, 567.—Fees and expenses as shown in paragraphs 249 and 261 are to be charged for depositions taken under section 517, and are a charge on the property and can be recovered in the same way as salvage is recoverable; that is to say, the ship or property can be detained until payment is made or security given (sections 552 and 567). The Receiver should be careful not to allow the ship or property to be removed from his district until his statutory claims are satisfied or adequate security is given for their payment, as in the event of such removal it would be necessary to resort to cumbrous and expensive proceedings in a court of law in the case of an owner attempting to evade his liability. The

Receiver will be held responsible for any loss arising from failure on his part to take the proper measures for securing payment of the fees and expenses.

54. Fees and expenses not recoverable charged to Board of Trade.—If no property is saved, a claim should be made by the Receiver for payment of any fees and expenses, but if application is made by owners, &c., for these to be waived, and the Receiver thinks the case is so exceptional that hardship would be caused if payment of the fee and expenses were insisted upon, the facts should be reported to the Board of Trade, who may decide to waive their claim. In that event the expenses should be charged in the Receiver's account with the Board of Trade.

General.

55. Board of Trade minutes should not be retained when it is found that action cannot be taken.—When the Receiver is unable to comply with a request from the Board of Trade to obtain a return he should either return the papers to the Board giving a brief explanation of the reason why the return could not be obtained, or should forward the papers to the Receiver of the district for which the vessel is bound.

56. Officer's Remarks not to be inserted in depositions. Report on Wr. 1. Classification of wrecks and casualties. Separate Reports in important cases.—The opinions and remarks of the Officer taking a deposition respecting any casualty are not to be written on the deposition, but are instead to be clearly and fully stated in a separate report or inserted in the proper column of the appropriate form Wr. 1 (*see* Appendix B.), which should always accompany the evidence.

Care should be taken that all the columns in the form Wr. 1 are filled up with the information required. If the information with regard to the nature and amount of damage or any other point is deficient when the inquiry is made, a supplementary form Wr. 1 containing the necessary particulars should be forwarded as soon afterwards as possible, or the information may be sent on form Wr. 3 should it be obtained from the owners or their representatives on that form.

It should be remembered that the form Wr. 1 is the permanent record of the casualty, and *should therefore contain full information on all material points*. Form Wr. 1 with the evidence on Inq. 1 or Wr. 2 will, in the majority of cases, be a sufficient report, but in cases of special importance, or when the evidence is conflicting, or the inquiring officers differ in opinion as to the cause of the casualty, separate reports should be made.

If the nature and extent of damage to ship and cargo cannot be given when the first report is forwarded, a note to the effect that the information will be sent as soon as possible should be made on the Wr. 1.

57. Officer's Remarks, Private nature of.—It must be distinctly understood that the statements and remarks respecting the casualty contained in the report or in the form Wr. 1 are obtained only for departmental purposes, and that in no case are copies of such documents to be sent to Lloyd's or to be furnished to the public.

58. Cases for Formal Inquiry.—Whenever the case appears to demand a formal inquiry the Receiver should attach a note to forms Wr. 1 and Inq. 1 or Wr. 2 stating briefly the circumstances in which a formal investigation is thought necessary.

59. Examination on oath, when to be omitted.—In cases which do not come within the meaning of section 517, and in which no serious question relating to property, insurance, navigation or seamanship is involved, the Officer may dispense with an examination on oath, but his reasons for dispensing with it should be stated on form Wr. 1, which should be filled up and forwarded in every case of any importance.

60. Statement for Lloyd's Agent. Wr. 52.—Whenever depositions on Wr. 2 are taken, the Receiver should at once, and before making any copies of them for transmission to Lloyd's, &c., fill up a form marked Wr. 52 (see Appendix B) with appropriate particulars obtained from the depositions and hand it to Lloyd's Agent. Similar particulars may be supplied, if desired by Lloyd's Agent, when statements are taken on form Inq. 1 or Wr. 1. For each form Wr. 52 so supplied the fee of 3d. as laid down in paragraph 258 is to be charged.

The form Wr. 52 is not to supersede the copy of the deposition required to be sent to Lloyd's in every case coming within the meaning of section 517.

61. Examination of Witnesses.—The Officer making preliminary inquiry or taking depositions should in all cases do his utmost to obtain the attendance of masters, mates, boatswains, pilots, salvors, or other persons who may be able to give an account of any wreck or casualty; and he should not hesitate to exercise, when necessary, the powers vested in him of requiring their presence by summons under his hand.

When the Officer thinks it necessary, the following persons should be examined in each case, viz., the master, the pilot, or officer in charge of the ship at the time the wreck or casualty occurred, the engineer on duty, the boatswain, carpenter, look-out man, steersman, and any other of the crew believed to have special knowledge of the facts. Generally speaking, a deposition by the master who was not on deck at the time of the casualty is of little use unless accompanied by the depositions of other members of the crew who have first hand knowledge of the casualty and the events immediately preceding it.

When salvage services have been rendered, the evidence of a witness or witnesses representing the salvors should be obtained.

Each deponent should be examined as soon after the casualty as possible.

Each deponent should be examined separately.

If a deponent shows a disinclination to answer questions of which he may reasonably be expected to have knowledge, a note should be made to that effect.

The deposition should be completed and read over to the witness before he signs it, and in no circumstances is any alteration or addition afterwards to be made. *See also* paragraph 30.

62. Persons who may be present at the examination.—Where the owner of the ship to which the casualty under investigation has occurred, or his agent or solicitor, is on the spot, and signifies to the Receiver or other inquiring Officer his desire to be present at the inquiry, he should be permitted to be present, but only when witnesses belonging to the vessel in which he is interested are being examined, and provided that no delay or expense is incurred thereby. No person is to be in the room during the examination except the deponent, the Officer conducting the inquiry, the nautical adviser, if any, a clerk, an interpreter, when necessary, and the owner, or his agent, or solicitor. The owner or his representative may take notes of the evidence if he desires to do so, but must not interfere with the examination of the witnesses.

63. Interpreter, Appointment of.—The interpreter (if any) is to be appointed by the Officer, and must be independent of, and in no way connected with, the Officer on the one hand, or the owners, master, agents, underwriters, &c., of the ship or cargo on the other. For interpreter's fee *see* paragraph 261.

64. Method of taking oath.—Although the method of taking the oath by kissing the book is still valid, Officers in England, Wales, and Northern Ireland should administer the oath in the method prescribed by the Oaths Act, 1909, except in the cases otherwise provided for by that Act, *i.e.*, the person taking the oath should hold the New Testament, or in the case of a Jew, the Old Testament, in his uplifted hand.

Oath or affirmation of Interpreter.—The interpreter may affirm or when taking the oath shall say or repeat after the Officer administering the oath, "I swear by Almighty God that I will "truly and faithfully interpret the evidence about to be given, "and all other matters and things touching the present examina-"tion, and the (French, &c.) language into the English "language, and the English language into the (French, &c.) "language, according to the best of my skill and ability."

Oath or affirmation of Deponents.—In England, Wales, and Northern Ireland, in the case of a witness having no conscientious

objection to be sworn, he shall say or repeat after the Officer the words, " I swear by Almighty God that the contents of this my " deposition are true." The deponent will first sign the deposition and the Receiver will fill up and sign the jurat at the foot of the document after administering the oath.

In England, Wales, and Northern Ireland, in the case of a member of the Society of Friends or other person who is unwilling from conscientious motives to be sworn, the deponent will say, " I *A.B.* do solemnly, sincerely, and truly affirm and declare, that " the taking of any oath is according to my religious belief " unlawful; and I do also solemnly, sincerely, and truly affirm " and declare, &c.," and the jurat will be altered to " *Affirmed* " at, &c."

In Scotland, in the case of a person who has no conscientious objection, the deponent holding up his right hand repeats after the Officer the words, " I swear by Almighty God, and as I shall " answer to God at the great Day of Judgment, that I will " tell the truth, the whole truth, and nothing but the truth; " and, in the case of a person having conscientious objection, " I *A.B.* do solemnly, sincerely, and truly affirm and declare, " that the taking of an oath is according to my religious belief " unlawful; and I do also solemnly, sincerely, and truly affirm " and declare, that I will tell the truth, the whole truth, and " nothing but the truth."

The deposition or declaration in Scotland will begin with the place and date, thus :—

" At the day of 19 .

" In presence of *A.B.* (Receiver of Wreck), (Chief Officer of " Customs and Excise), (Officer of the Coastguard), (Person " appointed, &c.), at " (here state the authority under which he is entitled to administer oaths or affirmations) " Compeared " (name and designation of witness) " who, being " solemnly sworn and examined, depones," or " who, having " made the affirmation or declaration under 28 Vict. c. 9, " declares—."

65. Particulars to be ascertained.—In holding a preliminary inquiry under section 465, or instituting an examination under section 517, the Office should be careful to ascertain such of the following particulars as may apply to the case, viz. :—

(1.) Description and condition of vessel, &c.—

1. Name of vessel to which the casualty occurred;
2. Port of registry and official number, if British;
3. Country, if foreign;
4. Rig;
5. Tonnage, gross and net;
6. Classification by any registration society;
7. If the vessel was not classed, when the bottom was last examined;
8. When built;

9. Where built;
10. Whether of wood, iron, composite, or steel;
11. If a steam vessel, whether screw or paddle;
12. Horse-power;
13. Supposed value;
14. Number of the boats;
15. Description;
16. Number of persons the boats would carry;
17. How each boat was carried;
18. When each was last overhauled, and when the last boat drill took place;
19. What kind of gear was used for lowering;
20. When it was last examined or tried;
21. What life-saving appliances besides boats were on board, and if in accordance with rules;
22. Number of the pumps at commencement of voyage;
23. Description do. do. do.
24. Situation do. do. do.
25. Condition do. do. do.
26. How worked—whether by break, wheel, or steam;
27. Number of anchors;
28. Weight of each anchor;
29. Size of chain cables, and length;
30. When the cables were last examined;
31. Condition of the masts;
32. Condition of the rigging;
33. Condition of the sails in use;
34. Whether the ship was fully equipped with spare sails;
35. Whether supplied with all requisite charts for the voyage, and whether supplied by the master or owner, *see also* paragraph 69;
36. Whether any, and if so, which, book of sailing directions was on board;
37. Number of compasses;
38. If a foreign-going ship, whether there was a standard compass on board;
39. Distance between the standard and the binnacle compasses;
40. When the compasses were last adjusted;
41. Whether any, and what, alterations of the cargo had been made since;
42. Whether any conditions existed which would be likely to affect the compasses, such as the presence of masses of iron on board;
43. Name of master;
44. Description and number of certificate of deponent, if master or officer;
45. Number of the crew (*viz.*, deck-hands only);
46. Total number of crew. (All hands, including master);

47. Number of passengers on board, including wives and children of masters and officers, if any;
48. Name of pilot (if any);
49. By whom licensed;
50. Number of licence;
51. What cargo ship had on board;
52. Weight of her cargo;
53. Gross freight;
54. Nature of deck cargo; state quantity and dimensions at time of sailing and on arrival, and if timber, whether in accordance with statutory requirements (*see* section 10 M.S.A., 1906. Appendix A and paragraph 75);
55. Where carried and how secured;
56. Whether it broke adrift and how much, if any, was lost.
57. Draught of water—
    (*a*) Forward;
    (*b*) Aft;
58. Freeboard, and whether in accordance with regulations;
59. Insurances on the ship;
60. do. on the frieght;
61. do. on the cargo;

(2.) Voyage.—

62. Port sailed from;
63. Port bound to;
64. Date and hour of sailing;
65. State of tide at time of sailing;
66. State of sea do. do.
67. State of weather do. do.
68. Direction of wind at time of sailing;
69. Force of wind do. do.
70. Circumstances of any casualty which may have happened in the course of the voyage prior to the casualty which is the principal subject of the deposition (to be given shortly);

(3.) Casualty.—

71. Circumstances of the navigation immediately preceding the principal casualty;
72. How long soundings were taken before the principal casualty, and the interval between the latest soundings;
73. Whether the deep-sea lead was used; and if not, why not;
74. How often the hand lead was used;
75. At what times;
76. Condition of the ship at the time of the principal casualty;
77. Number of the crew dead do. do ;
78. Number of the crew sick do. do ;

79. Number of the crew disabled by fatigue prior to the principal casualty;
80. Condition of the pumps just before the principal casualty;
81. Condition of the pumps during the principal casualty;
82. Condition of the pumps afterwards;
83. Condition of the anchors just before the principal casualty;
84. Position of the anchors just before the principal casualty;
85. Condition of cables just before the principal casualty;
86. Position of cables in vessel just before the principal casualty;
87. Exact time of the casualty which is the principal subject of the deposition;
88. Place of casualty;
89. All bearings (especially cross bearings);
90. Supposed distance from shore, &c.;
91. Precise nature of casualty;
92. Whether resulting in a total or partial loss;
93. Whether cargo was discharged in consequence of casualty;
94. Whether cargo is to be discharged in consequence of casualty;
95. State of tide at time of principal casualty;
96. Force do. do. do.
97. State of the sea do. do.
98. State of the weather do. do.
99. Direction of the wind do. do.
100. Force of the wind do. do.
101. Course of the vessel when the casualty took place;
102. Speed of the vessel do. do.
103. Whereabouts of the master when the casualty took place;
104. Under what sail the vessel was at the time of the casualty;
105. Name and rank of the officer in charge of the deck when the casualty took place;
106. Names of the men on the look out;
107. Station of each;
108. Name of the engineer in charge at the time of the casualty;
109. Names of the firemen, trimmers, and greasers on duty at the time of the casualty;
110. Whether all hands were on deck at the time;
111. If not, names of the men on watch;
112. Circumstances of the principal casualty which is the subject of this deposition;
113. Force of the wind at the time of any occurrence subsequent to the principal casualty and down to the time of making this deposition;

114. Whether any signals of distress were made, and if so, what were the signals used;
115. Any incidental subsequent occurrences worth mentioning;
116. In case of cargo of grain in bulk, describe the precautions to prevent shifting (*see also* paragraph 76);
117. In case of cargo of coals, state how the hold was ventilated (*see also* paragraph 77 and 78);
118. State how the bunkers were ventilated;
119. In the case of cargo in bulk, give the weight of cargo as near as can be ascertained;
120. Estimated loss on ship and by whom estimated;
121. Estimated loss on cargo and by whom estimated;
122. Number of lives imperilled;

(4.) Lives, &c., lost or saved.—

123. Number of lives lost;
    (*a*) Passengers;
    (*b*) Crew;
124. Number of lives saved;
    (*a*) Passengers;
    (*b*) Crew;
125. How saved;
126. Name and address of owner of ship;
127. Name and address of shipper;
128. Names and addresses of consignee and loading agent;

(5.) Collisions.—When the case is one of collision—

129. If the collision occurred at night, the state of the lamps of deponent's ship and whether they were lit by oil or electricity;
130. Rules of the ship as to cleaning and trimming the lamps;
131. Whether the rules were strictly carried out;
132. Name of the person told off to trim the lamps during the voyage;
133. If no one, name of person who last attended to the lights immediately before the collision;
134. Name of the person in charge of the lamp oil;
135. If oil was used, the description of the oil;
136. When the lamps were last trimmed;
137. Where, in the vessel, the lamps were carried at the time of the casualty;
138. Name of colliding vessel;
139. Her description;
140. Her rig;
141. Course of deponent's vessel when the other vessel was first seen;
142. Speed of deponent's vessel;
143. Name of the person by whom the other vessel was first reported;
144. Supposed course of the other vessel when first seen;

145. Under what sail, if any, the other vessel was when first seen;
146. Whether any alteration ("making" or "shortening") of sail took place subsequently on board the other vessel;
147. Do. do. on board deponent's vessel;
148. Supposed alterations in the course of the other vessel;
149. Colour of the light or lights, if any of the other vessel which were first seen;
150. Bearings, as near as can be ascertained;
151. On which bow or in what direction;
152. At what distance;
153. Whether any light or lights of the other vessel, other than those first seen, came into view before the collision;
154. If so, on which bow;
155. What bearings;
156. At what distance;
157. How long before the collision;
158. Where the other vessel carried her lights;
159. Condition of those lights;
160. Whether the deponent's vessel (if under sail) was on a wind, or going free;
161. If on a wind, state on which tack;
162. Whether the other vessel (if under sail) was on a wind, or going free;
163. If on a wind, state on which tack;
164. Precisely, and in detail, state what measures were taken on deponent's vessel to avoid the collision when the other vessel was first seen;
165. And subsequently;
166. Part of deponent's vessel which first came in contact;
167. Part of the other vessel which first came in contact;
168. Whether the other vessel stood by and gave her name in accordance with statutory requirements.

(6.) Loss of Anchors.—When anchors are lost or slipped, state—

169. Who gave the order to slip;
170. Reasons of the order;
171. Length of chain out at the time of slipping;
172. Weight of anchor and chains (if any) supplied in lieu of any lost;
173. Their price.

(7.) Salvage.—If salvage service, or any assistance was rendered or received, give following particulars, viz. :—

174. Names of salvors;
175. Name of each ship or boat by which assistance was rendered;
176. Whether steamer, tug, sailing ship, or boat;
177. Tonnage;

178. Name of the master of each ship or boat;
179. Terms of employment of tug and salvors, if any,
180. Name and address of consignee or agent at port of refuge.

(8.) Avoidable causes.—The attention of the Officer making the inquiry should be specially directed to the question whether the casualty happened from avoidable or unavoidable causes. Amongst the former the following are the most important:—

1. Improper construction, unseaworthiness, or insufficient equipment of ship.
2. Insufficient or improper manning.
3. Improper loading, overloading, non-compliance with the statutory regulations as to load-line, or bad stowage.
4. Explosions or breakdowns arising from defective boilers and machinery, or incompetency or neglect of engineers.
5. Misconduct, incompetency, or neglect on the part of master, officers, or crew.
6. Neglect of the regulations for preventing collisions at sea.
7. Non-compliance with the statutory regulations as to the life-saving appliances to be kept on board.
8. Ignorance on the part of masters as to lights or other sea marks, or the navigation of the sea or coast.
9. Neglect to use the lead.
10. Going at too great speed under the existing circumstances.
11. Non-employment of properly qualified pilots.
12. Ignorance or misconduct of pilots.
13. Defective charts.
14. Defective or improperly adjusted compasses.
15. Defective steering gear.
16. Deficiencies in the lights, leading marks, or buoys on the coast on which the casualty occurred.
17. Want of harbours of refuge, life-saving apparatus on land, or other means of safety.
18. Obstructions to navigation, such as sunken or floating wreck, &c.

66. Courses and bearings.—Care should be taken that the exact position of every casualty is ascertained and stated fully and intelligibly in the depositions, statements, and wreck returns. In cases of stranding, whether from error of judgment on the part of those in charge of the ships, or the existence of unknown or unmarked dangers, it is specially necessary that the courses steered, and the bearings and observations taken since passing the last well verified position, should be stated, as well as all observations and cross bearings taken at the time of or subsequently to the casualty. The latitude and longitude of the place of stranding should also be given.

The courses and bearings given in the depositions, &c., should be " true," i.e., the compass courses and bearings corrected for local deviation and variation, the amount of such corrections being stated in each case.

67. Master's orders.—Strandings of vessels are frequently attributed to neglect on the part of the officers in charge to obey orders given by the masters before going below. In taking depositions the Receiver should be careful to ascertain and record the exact words of such orders, and whether given in writing or verbally.

68. Cargo, how to be described.—In all cases of casualty the Officer should be careful to state the weight and description of the vessel's cargo, and if it is a " mixed cargo " he should also state the weight and description of its principal components.

69. Defective charts.—In the case of a casualty attributed to a defective chart the Officer should ascertain the name of the publisher, the title and date of the chart, or if an Admiralty chart was used its number and the date of last correction. (*See also* paragraph 65, No. 35.)

70. Breaking of shaft.—In case of damage to any of the propeller shafts of a steamer the Officer should specify the particular shaft affected—i.e., whether crank, thrust, intermediate, main, or tail end shaft—and ascertain the age of the shaft, of what material it was made, and the name and address of the maker.

71. Collisions: evidence.—Care should be taken in collision cases that parties are placed as nearly as possible on an equality as regards the evidence recorded. If the crews are found in different districts, Receivers should, if possible, communicate with each other as to the witnesses to be examined and the section of the Act under which the examinations are to be made. (*See also* paragraphs 49, 50 and 51.)

72. Ship's papers saved.—The Officer when taking the deposition of the master, mate, or engineer of a vessel abandoned or totally lost should ascertain and record in the deposition the documents relating to navigation which may have been saved from the vessel, namely, the official log book, the mate's log book, the engineer's log book, deviation cards, compass error book, &c. These documents are frequently of great use in connection with formal investigations.

73. Principal Officer, Reports to.—When the Officer making the inquiry has reason to believe that the casualty was owing to some defect in the ship or her equipment or manning, or that a ship is likely to proceed to sea in a condition which would endanger human life, he should communicate the fact to the Principal Board of Trade Officer in the district by the earliest means possible. He should also apprise that Officer without

delay by report on the form Wr. 58 of every casualty reported to him, including casualties to foreign vessels. As regards foreign vessels, see also sections 2 and 72 of the Merchant Shipping Act, 1906 (Appendix A).

74. Loss of fishing gear, when to be reported.—Depositions or casualty returns are not required in respect of loss of fishing gear unless attended with loss of life or damage to the vessel. If in any such case there are circumstances which should, in the Receiver's judgment, be brought to the notice of the Board of Trade, the same should be reported by letter, addressed to the Assistant Secretary, Mercantile Marine Department.

This instruction does not relate to any reports made to or by Superintendents of Mercantile Marine Offices under Part IV. of the Merchant Shipping Act, 1894.

75. Ships carrying timber deck-loads, Casualties to.—In the case of a casualty to a ship bound to the United Kingdom from a port abroad with a timber deck-load the Officer should ascertain whether the deck-load was in accordance with the provisions of section 10 of the Merchant Shipping Act 1906. (*See also* paragraph 65, No. 54.)

76. Grain-laden ships, Casualties to.—In the case of a casualty to a grain-laden ship the Officer should ascertain how the cargo was stowed, and whether in accordance with the provisions of section 452 or 453 and Schedule 18 of the Act of 1894.* (*See also* section 11 of the Act of 1906 and paragraph 65, No. 116.)

77. Coal-laden ships, explosion of coal gas, or spontaneous combustion of coal, on.—In the case of vessels loading coal the Board of Trade require that, with a view to guarding against explosion, free and continuous egress to the open air, independently of the hatchway, should be provided for the explosive gases by means of surface ventilation, which would be effective in all circumstances of weather. To secure this ventilation the Board consider it essential that at least two ventilators should be provided for each hold or compartment, and placed at opposite ends, or as far apart as the circumstances of the case will permit.

In case of explosion of coal gas, or spontaneous combustion of coal, on board ship, the Officer should ascertain the description of the coal, the name of the mine from which it was taken, whether it had been stacked before shipment, and if so, for how long, the mode of shipment, the state of the weather during shipment, and whether surface ventilation was provided in accordance with the above requirement. He should also ascertain whether any means existed for testing the temperature of the cargo or of the bunkers, and, if so, whether it was used.

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* A definition of "grain" for the purposes of Part V. of the Merchant Shipping Act, 1894, is given in section 456.

78. Coal on board missing vessels, Nature of, to be stated.—By section 110 of the Customs Laws Consolidation Act, 1876, and the Customs General Order, No. 96, 1876, exporters of coal and masters of coasting vessels carrying coal are required to state on the specification or in the Cargo Books, as the case may be, the place of origin as well as the description of coal shipped. This will enable the Officer to furnish particulars of the coal shipped by missing vessels, when direct evidence is not obtainable.

Similar particulars to those named in paragraph 77 should be obtained, if possible, in the case of a missing vessel carrying coal.

79. Regulations for preventing collisions at sea.—A copy of the regulations for preventing collisions at sea is printed in Appendix C.

The collision regulations apply to all ships, whatever their nationality, within the limits of British jurisdiction, to British ships everywhere, and to the ships of the countries specified in Schedule II. of the Order in Council of the 13th October, 1910, reproduced in Appendix C.

80. Collisions, Party in fault in.—Section 419 (4) which provides that, if in any case of collision it is proved to the Court before which the case is tried that any of the collision regulations have been infringed, the ship responsible for such infringement shall, *primâ facie*, be presumed to be in fault, has been repealed by the Maritime Conventions Act, 1911, which abolishes statutory presumption of guilt and leaves it to the Court to apportion the guilt, if possible, between the parties, and to decide the respective liability of the vessels concerned to pay for loss or damages accordingly.

81. Person in charge of deck responsible. s. 419.—In cases of wilful default the person offending is to be deemed guilty of a misdemeanour; and if any damage arises to person or property from the non-observance by any ship of the collision regulations, such damage is to be deemed to have been occasioned by the person in charge of the deck at the time, unless it is shown that the circumstances of the case rendered a departure from the rule necessary.

82. Neglect of Regulations to be reported.—The Officer making the inquiry should therefore be careful to ascertain, if possible, whether the regulations for preventing collisions have been attended to, and, if not, by whom they have been neglected.

83. Failure to assist the other vessel after collision to be reported. s. 422.—The Officer should also in cases of collision ascertain, if possible, whether the person in charge of the ship stayed by the other ship until he ascertained that she had no need of further assistance, and rendered to the other ship, her master, crew, and passengers such assistance as may have been practicable

or necessary in order to save them from any danger caused by the collision; and also gave to the master or person in charge of the other ship the name, port, destination, &c., of his own vessel.

Every master or person in charge of a British vessel who fails without reasonable cause to render such assistance or give such information, shall be deemed guilty of a misdemeanour, and, if a certificated officer, is liable to have his certificate cancelled or suspended.

Section 422 (2) which provided that a vessel which was in collision and failed to give such assistance should be presumed to be responsible for the collision, unless it could be satisfactorily proved to the Court that this was not so in fact, has been repealed by the Maritime Conventions Act, 1911.

84. Improper lights, &c. to be reported.—If the Officer making the inquiry has any reason to suppose that a ship is not properly provided with lights and with the means of making fog signals in accordance with the regulations, he should apply to the Board of Trade Surveyors for the district to make an examination and to report.

85. Lights in harbours, &c. Rules under local Acts to remain in force.—Under section 421 rules made under the authority of any local Act, concerning lights or signals to be carried by vessels navigating the waters of any harbours, rivers, or other inland navigation, or concerning the steps to be taken by such vessels, continue in force notwithstanding the regulations in Appendix C.

86. Depositions and reports to be sent to Board of Trade.—Depositions on Inq. 1 and reports on Wr. 1 in original, and copies of depositions on Wr. 2, should be forwarded to the Assistant Secretary, Mercantile Marine Department, Board of Trade, London, S.W.1., at as early a moment as possible. (*See also* paragraph 293.)

87. Lights, buoys, &c., Accidents to, to be reported to Lighthouse Authority.—The Receiver should report at once by telegraph to the Lighthouse Authority concerned any accident that may come to his knowledge affecting the efficiency of lights, buoys, or beacons on or near the coasts of the United Kingdom. The report should contain the name and position of the seamark, the date and description of the casualty and the circumstances under which it occurred, and, if the damage was caused by a ship, the name, port, and official number (if British) of such ship.

Sunken, Stranded, or Abandoned Vessels and Aircraft.

88. Steps to be taken by Receivers.—Where any vessel has been sunk, stranded, or abandoned in any harbour, or tidal water, under the jurisdiction of a Harbour or Conservancy Authority, or

in, or near, any approach thereto, Receivers should, as soon as practicable, report the fact to the Harbour or Conservancy Authority, as the case may be.

Where any vessel has been sunk, stranded, or abandoned in any fairway, or on the seashore, in the United Kingdom, or the Isle of Man, or any of the adjacent seas or islands, and not within the jurisdiction of a Harbour or Conservancy Authority, Receivers should, as soon as practicable, report the fact to the General Lighthouse Authority for that part of the United Kingdom in or near which the vessel is situate.

In both the above cases, Receivers are, in addition, to report the fact direct to the Mercantile Marine Department, Board of Trade, and to state in such report the name of the authority to whom they have reported.

In reporting to the General Lighthouse Authority, or to the Board of Trade, Receivers are to use their own discretion as to employing the telegraph. The *telegraphic address* of the Mercantile Marine Department is " Shipminder, Parl., London."

It is to be *distinctly understood* that these instructions are *not* intended to interfere in any way with the regular transmission of reports and depositions on forms Wr. 1 and Wr. 2, to the Mercantile Marine Department, Board of Trade, in pursuance of section 465 and 517, and of these Instructions.

89. Obstructions to navigation. Appendix J: Floating mines. —The Instuctions in the foregoing paragraph shall also be acted upon in the case of any vessel or large portion of a vessel, whether sunken or floating, which may be reported to the Receiver, in accordance with Customs General Order 2 of 1895, as having been passed near the coasts of the United Kingdom, and as forming a dangerous obstruction to navigation.

When forwarding a report of an obstruction to a Lighthouse Authority under this and the preceding paragraph, Receivers should define as precisely as possible the size and nature of the obstruction, *i.e.*, whether a vessel, boat, spar, &c., as the question of despatching a vessel to deal with the obstruction may frequently depend upon the information given in the report.

Receivers should also note that it is only necessary to report to the General Lighthouse Authorities cases of obstructions within a reasonable distance of the coasts of the United Kingdom.

When reporting to the Board of Trade, whether on Form Wr. 60 or by telegraph, the existence of an obstruction to navigation, the Receiver should send a duplicate report to the Secretary, Lloyd's, London, E.C.3, and inform the Board that he has done so.

When floating mines are reported to the Receiver, he should immediately telephone or telegraph the particulars direct to the Hydrographer, Admiralty, London, S.W.1, and to the Secretary, Lloyd's, London, E.C.3. Reports of floating mines need not

be sent to the Board. All telegrams addressed to the Hydrographer should be marked "Admiralty Service."

The cost of any telegrams sent to Lloyd's should be recovered from them or their local agent.

90. Aircraft: sunken, stranded and abandoned.—The Instructions in paragraphs 88 and 89 should also be acted upon in the case of aircraft, except that Receivers should not take any steps to make reports or take depositions on Forms Wr. 1 and Wr. 2 in pursuance of sections 465 and 517, and of these Instructions. The Receiver should, however, report by telegram, to the Air Ministry, London, the existence of any sunken, stranded, or abandoned aircraft, such telegrams to be marked "On Air Ministry Service." (*See also* paragraph 11.)

Custody of Wrecked Property.

91. Articles from ship, boat or aircraft in distress to be delivered to Receiver. s. 519.—Whenever any ship, boat or aircraft is stranded or in distress at any place on the shore of the sea, or of any tidal water within the limits of the United Kingdom, and any part of the cargo, or any articles forming part of, or belonging to such ship, boat or aircraft are washed or brought ashore, or taken from the ship, boat or aircraft, they must, in pursuance of section 519, be delivered to the Receiver, whether the person finding or taking possession of them is or is not the owner.

92. Object of section.—The object of this provision is to secure the property in the confusion which attends a wreck, to prevent plunder, whether under alleged claims of ownership or otherwise, to protect the Customs Revenue, to provide for the just payment of salvage claims, and for the restoration of the property to the owners. If therefore, for any of these purposes, it is necessary to detain the property, the Receiver will do so and deposit it in some safe place, taking care to avoid all unnecessary expense.

93. Its limitations.—But if the master of the ship or the pilot of the aircraft is in possession, and is able to take and keep custody of the property, or if the owner, or any duly appointed agent of the owner or master, is on the spot, and can take and keep custody of the property, and if there are no dutiable articles, or the duty on such as are dutiable has been paid, and if all salvage claims are paid or provided for by proper security, the Receiver is not to take possession of or to detain the property. He will, however, offer his services, explaining his office, position, and charges, and will render any assistance which the owner, agent, or master may require. The fact of Lloyd's agents being present, or of the owners being on the spot and able to take charge of their property, does not at all relieve the Receiver from attending at the scene of Wreck, and doing all in his power to prevent plunder and disorder.

94. Air Navigation (Investigation of Accidents) Regulations, 1922 and 1925 (Appendix A).—With a view to assisting the Air Ministry in the working of these Regulations the Receiver should in cases where there is no pilot or owner present to claim the wrecked aircraft or aircraft wreckage, require the salvors to make an early report on Form Wr. 5, and should see that the wreckage is brought to a place of safety and is not tampered with in any way. The position should be clearly explained to the salvors, who should be assured that their rights will be protected.

Where the pilot or owner is present the Receiver should explain the requirements of the Regulations and offer his services to effect an amicable arrangement with the salvors.

When the Investigating Officer of the Air Ministry applies for the wreckage he should be asked to give an undertaking to the effect that the wreckage will not be released to any person other than the Receiver. When the Investigating Officer has given this undertaking he may be allowed to remove the wreckage.

95. Receiver to take possession of sunken and abandoned vessels or aircraft.—In cases where vessels or aircraft are sunk off the coast below low-water mark, and are afterwards abandoned by the owners, the Receiver of Wreck in whose district such vessels or aircraft are situate should take formal possession of the same.

In order to take this formal possession it will be sufficient for the Receiver of Wreck to instruct one of his Officers to proceed in a boat to the spot where the vessel or aircraft is lying, and to drop a lead line over the vessel or aircraft, declaring at the same time that on the part of the Receiver he takes possession of such vessel or aircraft in virtue of the powers vested in him by the Merchant Shipping Act, 1894.

A record of the transaction should be kept by the Receiver of Wreck by a minute entered in his book and signed by the Officer so taking possession, and the Receiver should at the same time report the fact to the Board of Trade, and in the case of aircraft to the Air Ministry.

The attention of Receivers is called to the provisions of sections 520, 521, 530 and 531 in connection with the question.

96. Wreck to be reported and delivered to Receiver.—Under section 510 all articles, "*jetsam, flotsam, lagan and derelict found in or on the shores of the sea, or any tidal water,*" are included in the term WRECK: and by section 518 it is provided that where any person finds or takes possession of any wreck within the limits of the United Kingdom he shall, if he is the owner thereof, give notice to the Receiver of the district stating that he has found or taken possession of the same, and describing the marks by which the same may be recognised, and if he is not the owner thereof, as soon as possible deliver the same to the Receiver.

Section 72 of the Merchant Shipping Act, 1906, provides that "section 518 of the principal Act shall apply to wreck found or "taken possession of outside the limits of the United Kingdom "and brought within the United Kingdom, as it applies to wreck "found or taken possession of within the limits of the United "Kingdom."

97.—The provisions referred to in the preceding paragraph should be treated as applicable to all wreck (including aircraft wreckage) found in or brought within the United Kingdom, whether it be of British or foreign origin. In the latter case the Receiver when he has taken possession of the wreck should act in accordance with paragraph 208.

In the event of any difficulty arising in connection with the delivery of wreck to the Receiver by the master of a foreign vessel the Receiver should communicate with the Board of Trade (by telegraph if the case is urgent).

If, however, the wreck has been found by or is in possession of a vessel belonging to the British or a Foreign Government, the Receiver should not insist on the wreck being delivered to him, but he may take it into his custody if requested to do so by the salvors.

98. Application of ss. 518 and 519.—The provisions of section 519, as stated in paragraph 91, are intended to apply to property recovered from a ship or aircraft wrecked or in distress, at the time of the Wreck or Casualty, and during the confusion that attends the Wreck; whilst the provisions of section 518, as stated in paragraphs 96 and 97, apply to wreck salved or taken possession of at any other time. Receivers will take all the means in their power to enforce these provisions, and will report to the Board of Trade any breach thereof. The salvor's report is to be made to the Receiver on Form Wr. 5.

99. Meaning of "Derelict."—Disputes have not infrequently arisen with respect to the question whether a ship or other property has been abandoned by the master and crew so as to become "*derelict*," the master and owners asserting that it has not been so abandoned, and the salvors asserting that it has. Receivers will remember that in order to constitute "*derelict*," there must have been abandonment without hope of recovery. A mere leaving the ship to obtain assistance, or with the intention of returning, does not constitute such abandonment.

This paragraph also applies to aircraft on the sea or tidal waters.

100. Receiver to put a fair construction on "Derelict."—In claiming the custody of "Wreck" the Receiver will therefore take care to put a fair and proper construction on the term "*derelict*," and where the property is really and virtually still in the custody or possession of the master or crew, or of persons appointed by the master, he will neither encourage persons

improperly claiming possession as salvors, nor will he make claims himself to the custody of the property as wreck.

SEE RE-DEFINITION IN GENERAL MINUTE 11HL

101. Definition of "Wreck."—The expression "wreck," *primâ facie*, includes all kinds of articles found in, or on the shores of the sea or any tidal water; but this *primâ facie* proposition may be displaced in certain circumstances, as for instance, where a raft of timber was discovered by the Coastguard floating at sea some distance from the shore and was secured and delivered to the Receiver. The owners proved that the raft formed part of some timber which had floated from its moorings in a river, and refused to pay salvage. The Court held that this raft was not wreck within the meaning of the Act. The salvage claims could not be enforced, and the fees and expenses paid by the owners had to be refunded.

Again, the term "wreck," was held not to include a barge which had parted from her moorings in the Thames, and was drifting, but in this case the persons who secured the barge were entitled to salvage. The distinction between the two cases in this respect is that, although the barge was not wreck yet it was a vessel and therefore subject to the Admiralty jurisdiction in respect of salvage, but such jurisdiction does not extend to all property saved from peril at sea. In such a case as the barge getting adrift salvors could properly apply to the Receiver under section 552 to detain the property in respect of the claim to salvage though not as wreck.

The effects of the master or any of the crew of a vessel are not wreck and should not be detained as security for salvage.

102. Course to be adopted when property delivered into Receiver's custody under section 518 is proved not to be Wreck.—If property is brought to the Receiver under section 518, which, *primâ facie*, does not appear to be "Wreck" within the meaning of the Act, he should refuse to take it into his custody. If, on property taken into his custody as "Wreck" being claimed, it is proved by the claimant not to be "Wreck." no commission should be charged on restoring it; but an account of actual expenses properly and necessarily incurred in recovering and protecting it should be handed to the owners, who will probably, in the generality of cases, repay them. If, however, the owner refuses repayment, the Receiver need not detain the property, but should at once report particulars to the Mercantile Marine Department, Board of Trade.

103. Fishing boats, tackle, &c. Port letters. Appendix D.—All fishing boats, nets, and tackle found or picked up at sea, whether marked or unmarked, except those used exclusively for salmon fishing in England, Wales and Scotland, are deemed to be "Wreck," and should be dealt with accordingly.

Lists of the distinctive marks which have, in pursuance of Article V of the International Convention scheduled to "The

Sea Fisheries Act, 1883," been assigned by the foreign Governments, parties to that Convention, to their own fishing boats and their appliances, when employed in the North Sea, will be found in Appendix D.

Finding of boats, &c. to be reported to Consuls. Appendix E.—In accordance with Article XXV of the Convention (Appendix E), information as to the finding of any boats or appliances marked as above should be at once sent by the Receiver to the Consul or Consular Agent of the country to which the property belongs.

104. Property found on dead bodies.—Any property found upon dead bodies picked up at sea or washed ashore should not be taken charge of by the Receiver, but should be left to be dealt with by the proper authority. Should, however, such property come into his possession, he should communicate with the local police in order that they may take it over and deal with it as lost property.

105. Buoys, sinkers, &c.—Buoys, sinkers, and other property belonging to a General or Local Lighthouse Authority delivered by the salvors are not to be treated as Wreck, either by entry in the report books or by payment of salvage or in any other way, but should be handed without any formality whatever to the Agents or Officers of the Lighthouse Authority concerned when they apply for them, leaving such authority to settle with the salvors at their convenience. Receivers need not require the delivery of such property into their custody, but if it is delivered they will hold it till claimed.*

106. Salvage of buoys.—All buoys found adrift or ashore should be reported by the Receiver direct to the General or Local Lighthouse Authority to whom the buoys belong; and the fact of their having been so reported should be communicated to the Mercantile Marine Department, Board of Trade.

107. Wreck belonging to H.M. Government.—All wrecked property belonging to H.M. Government should be reported to the Government Department concerned (in the case of Admiralty property it should be reported to the nearest Admiralty Officer), who should have the option of either taking over the property, subject to the payment of expenses and the settlement of salvage claims (with the amount of which the Department concerned should be made acquainted), or of leaving it to be disposed of by the Receiver.

In the latter case, after the "wreck" has been disposed of, a full statement of accounts should be forwarded to the Department concerned. In the case of Admiralty property the accounts

* When any property from a Wreck which the Receiver has reason to suppose has been taken possession of by any of the authorities specified in sections 530 to 534, is brought to his notice, he should at once report it to such authority with a view to ascertaining whether they claim the property in question.

should be forwarded to the Admiralty Officer for transmission to the Admiralty.

If any telegrams are sent by the Receiver they should be marked " on the service " of the Department to whom the " wreck " belongs.

108. Figure heads, &c. washed ashore to be reported. Form Wr. 5. Appendix B.—All figure heads, head boards, and other name boards, and all papers in bottles, as well as all other Wreck brought or washed ashore, are to be entered in the Report Book, and reported in the Form Wr. 5. (*See also* paragraph 272.)

109. Coal.—All coal picked up on the shore or brought ashore in boats, must be delivered to the Receiver, who will treat it as ordinary Wreck. In no case will he allow the salvors to retain it. If coal is reported as having been given to or bought by the person bringing it ashore, the Receiver should find out the consideration, if any, for which the coal was given or sold, the name of the ship from which it was taken, her official number, master's name, and port of registry, and report to the Mercantile Marine Department, Board of Trade.

110. Receiver's powers of recovering Wreck. ss. 518, 537.—The Receiver should, when necessary, apply under section 537 for a warrant to search for and seize Wreck which is secreted or improperly dealt with (*see also* paragraphs 234 *et seq.*). The provisions of sections 518 and 537 should be strictly enforced, and any offences against them reported to the Mercantile Marine Department, Board of Trade. Officers of Customs and Excise, Inspectors and District Officers of Coastguard and Receivers of Wreck should in no case commence legal proceedings without first reporting the facts of the case and the evidence to the Board of Trade, and asking for instructions. The Officer making the report should state whether, in his opinion, the offenders could successfully put forward a plea of ignorance. If the Board of Trade think the matter should be proceeded with, the papers will be placed in the hands of their Solicitor.

Means should be taken to inform boatmen and others living on the coast of the nature of the Receiver's powers with reference to the custody of Wreck. For this purpose forms of notice have been prepared, and are marked Wr. 38 to 42 in Appendix B. Receivers should arrange for copies of these notices to be exhibited in conspicuous places in order that, so far as possible, the plea of ignorance cannot be put forward as an excuse for not reporting or delivering Wreck to the proper authorities.

111. Coastguard to assist in recovering Wreck, &c.—Members of the Coastguard will, so far as their life-saving duties permit, give to Receivers of Wreck all the help in their power, both in securing goods washed or taken from a ship or aircraft in distress, and in giving notice of, searching for, and recovering the articles defined as Wreck. (*See also* paragraphs 231 *et seq.* as to the co-operation of Coastguard generally.)

112. Wreck need not in certain cases be taken into custody of Receiver.—If articles falling within the definition of Wreck are proved to the satisfaction of the Receiver to belong to parties who, or whose agents, are on the spot to receive them when they are brought or washed ashore, and there is no question as to salvage or Customs duties which calls for the intervention of the Receiver, the Receiver should allow the persons who have found the Wreck to deliver it to the owners or their agents at once without demanding any fee.

113. Suspected claim to ownership.—If any person claims to retain Wreck as owner, and the Receiver has any doubt as to his title, he should call upon him to fill in Form Wr. 24-25 (*see* Appendix B), and to produce satisfactory proof of ownership. If the Receiver is not fully satisfied as to the title, he should report the case to the Mercantile Marine Department, Board of Trade, for instructions. *The possession of an agent duly appointed by the owner should be treated as equivalent to possession of the owner.*

114. Claims by Agents of Owners, &c. not to be admitted until Receiver is satisfied of Authority.—In no case should persons, claiming to be the agents of owners, masters, and underwriters, be permitted to interfere with or to take possession of property in the Receiver's custody, under the provisions of the Merchant Shipping Act, 1894, unless and until satisfactory evidence of ownership, and of the authority of the person claiming to interfere, has been produced.

115. Safe deposit of Wreck, &c. Reports.—As soon as any Wreck is reported and brought to the Receiver or otherwise taken possession of by him, he should be careful to deposit it in the Custom House, King's Warehouse, or in some other place of safe and proper custody, avoiding all unnecessary expense, and to record an accurate description of it and of any marks thereon in his Report Book, and also to report full particulars to the Board of Trade on the Form Wr. 5.

116. Wreck or proceeds to be retained for one year, except in certain cases.—The Receiver should never part with or give up possession of the Wreck, or of the proceeds of sale within the year, unless (1) an owner or agent establishes his right to possession and identifies the property to the Receiver's satisfaction, or unless (2) the Board of Trade direct the Receiver to give up possession to the owner or underwriters or their agent, or if the Wreck is unclaimed, to a Lord of a Manor whose title to such Wreck has been admitted (*see also* paragraphs 211 *et seq.*).

117. Payment of expenses to be obtained.—In all cases, whether the claim is established to the satisfaction of the Receiver within the year, or whether the Board of Trade direct the delivery of property, the Receiver will be careful first to

obtain *actual payment* of all incidental expenses incurred, paid, or authorised by himself, or due to the Coastguard (or to the Ulster Constabulary in Northern Ireland, *see* paragraphs 246 *et seq.*), as well as of all fees due; and secondly, either to obtain payment or security for salvage, whether of life or property (*see also* paragraphs 183 and 184).

118. Proofs of ownership, &c. to be completed as early as possible.—The Receiver should always point out to owners and underwriters that with a view to keeping down expenses it is to their interest to identify their property, to lodge security, and to complete their proofs of ownership, &c., at an early date.

119. Wreck found in another Receiver's district.—If goods which have been found on the shore in the district of one Receiver are reported or delivered to another Receiver, the latter Receiver will, except in the case mentioned below, at once forward the report to the former Receiver, without paying or providing for salvage or making any charge on his own account. If, however, the place where the goods have been found is nearer to the residence of the Receiver to whom they are reported than to that of the Receiver in whose district they are found, the former may deal with them as if they had been found in his own district. In either of such cases the circumstances must be reported to the Mercantile Marine Department, Board of Trade.

120. Notices of Wreck to be posted up at Custom House. Wr. 8.—Notices (Form Wr. 8) should be posted up in the Custom House—

(1) Whenever the Receiver takes possession of any Wreck.

(2) Whenever the Receiver takes possession of any articles washed or taken from any ship in distress, and neither the master of the ship, nor the owner of the articles, nor his agent, is present or aware of the circumstances.

121. Report to be sent to Lloyd's. Wr. 8.—Reports (Form Wr. 8) should be sent to the Secretary of the Committee of Lloyd's—

(1) Whenever the supposed value of the Wreck taken possession of exceeds £20.

(2) Whenever the supposed value of any articles of Wreck taken possession of by the Receiver, and, in his opinion, *belonging to one and the same vessel*, exceeds £20 *in the aggregate.*

For each report of property exceeding the supposed value of £20 sent to Lloyd's, the fee of 10*s.* is to be charged against the property. (*See also* paragraphs 249 and 250.)

The value of each item should not be taken separately, and the Receiver should not report articles from two ships on one form.

The above reports should be forwarded to Lloyd's within 48 hours after the Wreck is taken possession of.

122. Notices at Custom House and local offices to remain posted for 14 days.—The Notices in the Custom House should also be posted up within 48 hours, and should be kept posted up during 14 days at least. They should be exhibited in a conspicuous place where they can be easily seen by Lloyd's local agents, and by all other parties interested. Receivers should instruct their deputies and local agents to post up similar Notices of all Wreck in their custody in the Custom House or outside their offices.

123. Importance of these Notices. The Committee of Lloyd's have given directions to their agents to take account of these Notices, as they are considered of great value by owners and underwriters. Receivers should therefore be careful that the instructions in the foregoing paragraph are fully complied with.

124. Report Book to be kept.—The Receiver will also, in every case in which he takes possession or custody of any goods or articles of any kind, whether Wreck or otherwise, enter the same in his Report Book.

125. Receiver may appoint a Valuer. ss. 520, 522, 547, 567. Schedule XX of the Merchant Shipping Act, 1894. If, in any question dealt with in sections 520, 522, 547 and 567, or in the Table of Fees contained in Schedule XX to the Merchant Shipping Act, 1894, the Receiver is in doubt as to the value of any property in his hands, he may employ a duly licensed valuer and pay him a moderate fee, not exceeding ten shillings, if the property is under £100 in value, and never exceeding £1 for each day the valuer is employed (whatever may be the value of the property), which must be charged in his account of expenses. This fee is a charge on the property, and will only be allowed where it is clear that there has been reason for doubt as to the value, and that the sum charged is fair and moderate.

126. Inquiries to be made of masters of ships on arrival. Appendix I.—The directions contained in the Instructions issued by the Commissioners of Customs (No. 65, 4th July, 1857; Appendix I), relative to inquiries to be made of the masters of ships arriving in ports of the United Kingdom as to Wreck picked up at sea, should be carefully attended to.*

127. "Fishes Royal."—"Fishes Royal" captured within territorial waters (*see* paragraph 31), or washed ashore, or stranded within the Receiver's district, either dead or alive, belong to the Crown, and should be dealt with by the Receiver. According

* *See also* Appendix J as to inquiries to be made of Masters of Vessels relative to any derelicts, wreckage, &c., passed by them during their voyage. (*See also* paragraph 89.)

to ancient records these " Fishes Royal " consisted of sturgeon, porpoises, whales, besides any other very large fish.

The Receiver should note that sharks, seals, swordfish and sunfish, which have occasionally been buried by the Coastguard under a misapprehension, are not " Fishes Royal." In practice the Board of Trade recognize as " Fishes Royal " only sturgeon, porpoises, whales and dolphins.

128. Exception in Scotland. Appendix F.—In Scotland, however, the shoals of small whales, known as " Bottlenose " and " Caaing " whales, are not " Fishes Royal," and Receivers in Scotland should not therefore claim such whales on behalf of the Crown. (See report of Messrs. Sands, Appendix F.) With this exception, Receivers in Scotland should act in a similar manner to Receivers in England, Wales and Northern Ireland with regard to " Fishes Royal."

Burial of Carcases washed ashore.

129. Requirements of Diseases of Animals Act, 1894.—By the Diseases of Animals Act, 1894, it is enacted (section 46) that—

> Where a carcase washed ashore is buried or destroyed under the direction of a Receiver of Wreck, with authority from the Board of Trade, the expenses thereof shall be expenses of the local authority, and shall be paid by the local authority to the Receiver on demand, and in default of payment shall be recoverable with costs by the Receiver from the local authority.

The interpretation clause (section 59) contains the following definitions :—

> " Cattle " means bulls, cows, oxen, heifers and calves;
> " Animals " means (except where it is otherwise expressed) cattle, sheep, and goats, and all other ruminating animals, and swine.
> " Carcase " means the carcase of an animal, and includes part of a carcase, and the meat, bones, hide, skin, hoofs, horns, offal, or other part of an animal separately or otherwise, or any portion thereof.

By Article 17 of the Transit of Horses, Asses and Mules Order, 1913, it is ordered that horses, asses and mules shall be deemed to be animals for the purposes of section 46 of the Act.

130. Mode of burial.—In pursuance of the above, the Receiver, his Deputies, or the Coastguard, as the case may be, should cause the carcase of an animal (*as above defined*), or any part thereof, washed ashore within his district, to be buried as soon as possible in its skin (if any) in some proper place, and to be covered with a sufficient quantity of quicklime or other disinfectant, and with not less than six feet of earth.

Should there be any reason to suppose that the carcase is that of an animal which belonged to a local resident and did not come

from a ship, inquiry should at once be made in order to ascertain whether the owner of the carcase wishes to remove and dispose of it himself. No delay should, however, be incurred in disposing of the carcase if it is that of an animal as defined in the Act. If necessary, the Receiver should telegraph to the Mercantile Marine Department, Board of Trade, for instructions.

Carcases not of the nature of Wreck should not be interfered with.

Carcases should not be buried on the sea shore below high-water mark or towed out to sea and sunk if it can be avoided. If it is necessary to deal with them in either of these ways, then they should be buried or sunk at sea in such a manner as to prevent the possibility of their being washed up again.

131. Burial of (a) fish which are not "Fishes Royal" and (b) carcases of animals which are not within the meaning of the Diseases of Animals Act, 1894.—The Local Sanitary Authority should be notified when any carcase described above is found washed ashore. No expense should be incurred in respect of the burial of such a carcase unless the Sanitary Authority guarantees that all the expenses, including the usual remuneration to those entitled to it, in connection with the burial will be paid by them.

132. Payment for burial.—Receivers are authorised to pay a reasonable sum for the expenses incurred in burying carcases, and to charge the same under a reference number in column 3 of Schedule 10.

133. Repayment by Local Authority.—Application should be made by the Receiver to the clerk of the Local Authority for repayment of the expenses incurred, and the amount, when recovered, should be brought to account in column 4 of Schedule 13. The Receiver must be careful to recover his expenses from the Local Authority *within three months* from his demand. If not then paid he should *at once* report the matter to the Finance Department, Board of Trade.

134. Recovery of expenses by Local Authorities in certain cases.—By the "Diseases of Animals Act, 1894," section 46, Local Authorities can recover from owners of vessels the expenses incurred in burying carcases thrown or washed from such vessels.

In any case where it comes to the knowledge of the Receiver that a carcase washed ashore was thrown from a vessel he should inform the Ministry of Agriculture and Fisheries and the Local Authority.

135. Burial of Fishes Royal.—The sections of the Act do *not* apply to the burial of carcases of Fishes Royal. Should it, however, at any time be found necessary to bury such carcases, the directions given in paragraph 130 should be complied with. In any case involving considerable expenditure (*e.g.*, the burial of a whale) the Receiver should refer to the Mercantile Marine

Department, Board of Trade, submitting competitive tenders, if obtainable, for the work. Enquiries should, of course, be made beforehand as to the possibility of effecting a sale.

Expenses incurred in such burials should be paid and charged in column 3 of Schedule 10, but should *not* be claimed from the Local Authorities.

If, however, the carcase of a Royal Fish is found within the limits of a Manor in respect of which the right to Royal Fish has passed from the Crown to the Lord of the Manor, the Receiver should not cause it to be buried, but should inform the Lord of the Manor and explain that he is responsible for its disposal.

136. Natural History Museum to be informed.—Whenever a whale, porpoise or dolphin is reported to the Receiver as having been captured or washed ashore he should send particulars by telegraph direct to the Natural History Museum, Cromwell Road, London, S.W.7. The telegraphic address of the Museum is "Nathismus, Southkens, London." Any further particulars and any specimens desired by the Museum should be furnished by the Receiver or the Coastguard.

No expenses should be claimed from the Museum Authorities in respect of the cost of sending telegrams and parcels by post in connection with the reporting of stranded whales, porpoises and dolphins. The expense of carriage on larger parcels sent by other means will be paid by the Museum Authorities and may be charged to them.

Other expenses, *e.g.*, travelling, subsistence, &c., should only be claimed from these Authorities when the Receiver has incurred them in respect of duties performed solely for these Authorities.

Action to be taken in Scotland.—In addition to reporting the capture or stranding of a whale, porpoise or dolphin in Scotland to the Natural History Museum, the Receiver should report by telegram to the Keeper, Natural History Department, Royal Scottish Museum, Edinburgh (Telegraphic address, "Royal Scottish Museum, Edinburgh"), and to the Fishery Board for Scotland (Telegraphic address, "Fisheries, Edinburgh"). When the Receiver is informed of the capture or stranding of a whale, porpoise or dolphin by an Officer of the Fishery Board for Scotland he may assume that the Officer has informed the Royal Scottish Museum and the Fishery Board. Claims in respect of expenses incurred should be dealt with as indicated in the preceding paragraph.

The following additional instructions, paragraphs 137-139 *inclusive, are for the guidance of Receivers of Wreck in Northern Ireland only:—*

137. Ministry of Agriculture of Northern Ireland, to be communicated with. Arrangements for burial.—Unless it is desirable on sanitary grounds to bury the carcase at once, the

following steps should be taken. The skin of the carcase should be so slashed as to be rendered useless, and the Ministry of Agriculture of Northern Ireland, Belfast (Telegraphic address, "Animals, Belfast") should be at once communicated with by telegraph. That Department will arrange if necessary and desirable, for an examination by one of the Regular Veterinary staff employed by them. The Officer superintending the burial of the carcase should at the same time give instructions for the arrangements for burial to be ready by the time the Veterinary Inspector arrives and also for the provision of adequate assistance to the Inspector in the handling of the carcase in order that he may certify to the burial of the carcase without being detained more than a few minutes.

If this procedure be followed a second visit to the spot by the Officer superintending the burial will not be necessary.

138. Payment of expenses incurred in the examination of a carcase.—Any expenses, including the cost of telegrams, incurred by the Coastguard or the Receiver in connection with the examination of a carcase should be recovered from the Ministry of Agriculture of Northern Ireland. A separate statement of the total expenses incurred should be forwarded attached to Schedule 10.

139. Foreign animals landed alive from a wrecked or stranded vessel.—The particulars of any cases that may come to the knowledge of the Receiver in which foreign animals are landed alive from a vessel wrecked or stranded on any part of his district should be communicated to the Ministry of Agriculture of Northern Ireland, and if there is any expense in the matter it should be charged to that Department.

140. Transmission of claims for remuneration for burial of carcases.—The following procedure should be adopted in connection with claims for remuneration in respect of carcases which have ben buried by or under the superintendence of the Coastguard :—

(I.) Claims made on behalf of civilians for compensation for burial of carcases are not to be dealt with direct between Station Officers or Coastguardsmen and the Receiver of Wreck, but should be transmitted to the Receiver through the District Officer and Inspector.

(II.) Claims for compensation for burial of carcases made by the Coastguard are to be rendered on Form Wr. 17-18, in which should be inserted the names of those who carried out the burial and those engaged on other Coastguard duties at the time, *e.g.* Patrol. The form should be countersigned by the District Officer and forwarded through the Local Receiver to the Head Receiver for transmission to the Finance Department, Board of Trade. All money

paid by the Receiver to the Coastguard (whether for payment to civilians or for distribution to the Coastguard) is to be transmitted through the Inspector who keeps a record of all such claims and payments. A receipt should be given by each Coastguard or civilian participating in the payment for attachment to Schedule 10.

(III.) Reports of burial of carcases (Form Wr. 5) should be signed by two witnesses, one of whom should, if practicable, be the Station Officer or Senior Coastguardsman. If the burial was not witnessed by the Coastguard, the Receiver should certify on Form Wr. 5 that the burial was properly carried out. If only one witness is available, the reason is to be noted on the form.

Travelling, &c. claims from more than one witness will not be entertained.

Wreck arrested by Admiralty Court.

141. When Wreck is arrested by Admiralty Warrant, Receiver's Shipkeeper to be withdrawn.—When a derelict ship in the custody of a Receiver, or other wrecked property detained by a Receiver for the payment of salvage in accordance with section 552, is arrested by virtue of a warrant or other instrument issued on proceedings instituted by salvors in a Court having Admiralty Jurisdiction, the Receiver need not continue to keep a man in charge after receiving official notice of the arrest, as from the time of the arrest, the vessel is in the custody of the Officer of the Court.

142. All expenses to be claimed.—This arrangement is intended to lessen the expenses to be paid by the owners; but in giving up possession as above directed the Receiver should be careful not to give up the claims to any expenses he may have incurred, and to fees under section 567.

143. Notice of Receiver's claims to be sent to persons interested, &c.—In order that all persons interested may be made aware of the Receiver's claims he should send a copy of his account to the person by whom he is dispossessed or superseded, and should give him notice that the property must not be restored to the owners without due notice to the Receiver, nor until the amount of his claims is paid. He should also call his attention to sections 521 and 567, which give a Receiver the same lien and remedies for the recovery of fees and expenses as a salvor has or is entitled to for salvage, and provide that the fees and expenses must be paid before the owner receives possession of his property.

144. And to Admiralty Court.—A copy of the account and of the notices should for security be forwarded by the Receiver to the Registrar or other proper officer of the Court in which the proceedings are pending.

145. Steps to be taken when several sets of Salvors are concerned.—When more than one set of salvors is concerned in the salvage of the property, and only one set institute proceedings in the Admiralty Court, the Receiver should inform the other sets of salvors that the property has been taken out of his custody and is in custody of the Court.

146. Receiver to resume possession if his claims are not satisfied.—In the event of property being restored without payment of the Receiver's claims, he should at once report the circumstances to the Mercantile Marine Department, Board of Trade, and should resume possession and hold the property until his claims are satisfied.

Sale of Wreck or other Property.

147. Receiver, how to act in case of sale of Wreck, &c.—If the Receiver finds it necessary to sell any property in his possession under the provisions of sections 522, 525 or 553, he will act as follows. If the property is claimed, he will endeavour in selling it to act in concert with the owners and the insurers if interested, and will, so far as he can do so without prejudice to other parties interested in the sale, be guided by their advice and directions. If the property is unclaimed, he will apply for directions to the Mercantile Marine Department, Board of Trade, or if the right to unclaimed Wreck does not belong to the Crown, to the person entitled thereto. If from any very special and peculiar circumstances it is essential to sell Wreck at once, the Receiver may proceed to do so on his own responsibility, giving the earliest possible notice to the parties interested, if they are known to him, and informing the Mercantile Marine Department, Board of Trade of his proceedings and the reason for them.

148. Sale of wrecked aircraft or aircraft wreckage.—No wrecked aircraft or aircraft wreckage of any description should be sold without the consent of the Board of Trade having first been obtained. The Receiver when applying to the Board of Trade should at the same time notify the Air Ministry, giving full particulars of the wreckage. It will then be the duty of the Air Ministry to notify the Board of Trade of any question they may wish to raise. When the Receiver applies to the Board of Trade for permission to sell he should report the date on which the Air Ministry were notified of the proposed sale.

149. Board of Trade sanction to be obtained for sale of Wreck, over £5.—When, however, Wreck included under one Reference Number exceeds £5 in value, even if made up of a number of small salvages, permission should, except in the special circumstances referred to in paragraph 147, be obtained from the Board of Trade before it is disposed of.

Form Wr. 61.—Applications for authority to sell, write off, or otherwise dispose of Wreck should be made on the Form

Wr. 61 whenever practicable. Such applications should contain sufficient information to enable the matter to be dealt with without delay, and when made by a Deputy Receiver, should be submitted to the Board of Trade (Mercantile Marine Department) through the Head Receiver, who should indicate on the Form that he approves of the action proposed to be taken.

(*See also* paragraph 148 in regard to aircraft wreckage.)

150. Wreck under £5 in value, &c. to be sold at once. Receipts for purchase money.—In accordance with the 522nd section, all Wreck under £5 in value as well as all Wreck which comes within the description contained in that section, and is not likely to be claimed, should be sold *as soon as possible after* it comes into the possession of the Receiver. In ordinary cases, sales should be by auction. When a droit is sold by the Receiver he is not to accept payment without giving the purchaser a receipt for the amount on an official form, F. 24. This form should also be signed by the purchaser, and whenever this signature is not obtainable the fact should be so stated on the face of the form.

(*See also* paragraph 148 in regard to aircraft wreckage.)

151. Requirements of the Anchors and Chain Cables Act, 1899.—Section 2 of "The Anchors and Chain Cables Act, 1899" (62 & 63 Vict. cap. 23) enacts as follows:—

> (1) "Every contract for the sale of a chain cable or of an anchor exceeding in weight 168 pounds shall, in the absence of an express stipulation to the contrary, be deemed to imply a warranty that the anchor or cable has before delivery been proved in accordance with this Act.
>
> (2) The burden of proving the existence of any such express stipulation and the testing and stamping shall in case of dispute lie on the seller."

Procedure in selling chain cables and anchors.—The Receiver should be careful never to sell any anchor or chain without a condition inserted in his notices and advertisements of sale to the effect that it is stipulated expressly that no warranty is given of the legal or other test or stamp of any anchor or chain sold.

152. May be tested in certain cases.—Should the Receiver be of opinion in any particular case that the fact of anchors and chains being tested would considerably increase their market value, while the expense would be small, he should apply for permission to have them tested, stating his reasons for making the application.

153. Auctioneer should not be employed to sell Wreck.—In cases in which Receivers appointed in pursuance of the Merchant Shipping Act, 1894, have to sell Wreck, it is not necessary that they should employ an auctioneer for the purpose. Receivers of Wreck, whether Officers of Customs and Excise or not, are allowed by the Commissioners of Inland Revenue to conduct such sales without auction licences.

154. Except in very special cases.—Should the Receiver, however, owing to some very special and exceptional circumstances on any occasion find it advisable to employ an auctioneer, he may do so, in which case he is authorised to pay the following commission to the auctioneer, viz. :—

In the case of Anchors and Chains.

(*a*) If the proceeds of sale do not exceed £100	5	per cent.
(*b*) If they exceed that sum—		
For the first £100	5	,,
For the sum in excess of £100... ...	2½	,,
In the case of goods other than anchors and chains	5	,,

155. Commission may be disallowed by Board of Trade.—The Board of Trade reserve to themselves power to disallow this payment should the reasons for employing an auctioneer appear to them to be insufficient.

156. Sales to be advertised.—All sales made by auction should be advertised in some local paper, and a notice of the intended sale posted up at the Receiver's Office and the Custom House of the port, and also, if practicable, at the place of sale, when the sale takes place away from the port. The Receiver should, however, not advertise any sale without first obtaining the approval of the Mercantile Marine Department, Board of Trade.

157. Advertisement of sale of Wreck.—Advertisements of the sale of wrecked goods should be inserted in newspapers through the Government's Agents in the same way as notices respecting other goods which are for sale by Officers of Customs and Excise. The cost of such advertisements should be charged against the appropriate droits before the proceeds are paid to the owner or to the Lord of the Manor.

The actual cost of the advertisements is included in an account furnished by the Stationery Office to the Board of Trade, and is paid through the Board of Trade. The Receiver of Wreck should, therefore, not pay the cost of such advertisements, but should ascertain from the Advertising Agents the gross cost of the advertisement, and ensure that such cost is charged against the proceeds.

158. Receiver to fix reserve bidding at sales of Wreck.—In order to prevent goods from being sold under their value, all Receivers are in every case to fix a fair and moderate sum as a reserve bidding on the part of the Crown or other party entitled to the proceeds of the sale of unclaimed Wreck.

Where the property does not fetch the reserve price fixed by the Receiver, he should report the facts of the case to the Mercantile Marine Department, Board of Trade, in order that if necessary the property may be sent to another port for sale.

159. Coastguard not to be allowed to purchase Wreck.—Members of the Coastguard should not, as a rule, be allowed to

purchase wrecked property. In exceptional cases where the Receiver considers that it would be most advantageous if the goods were sold to the Coastguard, he should apply to the Mercantile Marine Department, Board of Trade, for their consent to such procedure, stating fully the circumstances which would justify it.

Salvage.

160. Jurisdiction in salvage cases.—The decision of questions as to salvage, if the parties cannot agree, rests in more important cases with the Admiralty Division of the High Court of Justice in England, the High Court of Justice of Northern Ireland in Ireland, and the Court of Session in Scotland; and in minor cases :—

(*a*) In England, with a County Court having Admiralty jurisdiction by virtue of the County Courts Admiralty Jurisdiction Act, 1868, or any Act amending the same.

(*b*) In Scotland, with the Sheriff's Court.

(*c*) In Northern Ireland, with two Justices, or a Stipendiary Magistrate, or the Recorder of any Borough in which there is a Recorder, or the Chairman of Quarter Sessions in any county acting as arbitrators.

The words Court of Session in section 547 mean and include either Division of the Court of Session, or the Lord Ordinary officiating on the Bills during vacation.

161. Receiver may appoint a Valuer in salvage cases.—To determine the value the Receiver has power, whether the wreck is in his custody or not (in which latter case he should first obtain payment of the fee), under section 551 to employ a Valuer whenever any salvage question arises, if either of the parties apply to him for the purpose. Any Valuer so employed should, however, be duly licensed. The valuation, when made, should be signed by the Valuer and kept by the Receiver. The Receiver should make and attest two copies and hand one to the salvors or their agent, and the other to the owners or their agent. These copies may be received in evidence in any subsequent proceedings. Application to the Receiver to appoint a Valuer should be made on the Form Wr. 14. The Valuer should be appointed on the Form Wr. 15, and certified copies of the valuation should be furnished on the form marked Wr. 16. These valuations are not exempt from stamp duty.

162. Fees to be paid to Valuer.—The fees to be paid to the Valuer are as follows, viz. :—

	£	*s.*	*d.*
Where the vessel only has to be valued, if under £1,000	1	0	0
If above £1,000	2	0	0

Where a cargo also has to be valued, £1 extra, except in very special and peculiar circumstances; as, for instance, a general cargo, or a cargo partly damaged, or a cargo of an unusual nature requiring correspondence and information from other parties. In these cases an additional £1 may be paid at the discretion of the

Receiver, but the reasons for making the extra charge must be specially reported to the Mercantile Marine Department, Board of Trade, by the Receiver.

163. How to charge Valuer's fee.—The Valuer's fee must be paid by the person applying for the valuation to be made, and is in addition to the fees and commission authorised to be charged in Schedule XX to the Act of 1894.

164. Rota of Justices appointed to hear salvage cases in Northern Ireland.—Power is given under section 550 for the Lord Lieutenant of Ireland (now exerciseable as respects Northern Ireland by the Governor of Northern Ireland) to appoint out of the justices for any borough or county a rota of justices by whom jurisdiction in salvage cases shall be exercised; and when no such rota is appointed, the salvors may by writing, addressed to the justices' clerk, name one justice, and the owner of the property saved may in like manner name the other. If either party fails to name a justice within a reasonable time, the case may be tried before two or more justices at petty sessions.

165. Fees to Assessors and Umpires. s. 548 (2), s. 550 (5).—The following fees shall be paid to assessors and umpires who are called in to assist in determining summarily disputes as to salvage :—

Fees to Assessors and Umpires.

	£	*s.*	*d.*
To an assessor for each day's attendance and service in every case in which his assistance shall have been duly required	1	1	0
To an Umpire, when duly appointed by Justices under section 550 (3), for his service as such, for each day's employment	2	2	0
Provided the total sum allowed to such assessor and umpire respectively shall in no instance exceed the sum of £5.			

Scale of fees and costs to be awarded in salvage cases determined by "Arbitrators" in Northern Ireland. ss. 547, 550, 745.—The following fees and costs are included in a scale determined in March, 1911, by the Secretary of State, to be awarded in salvage cases determined by "arbitrators" under Part IX of "The Merchant Shipping Act, 1894."

Fees to be paid to the Officer of the Court of Arbitrators.

	£	*s.*	*d.*
Convening arbitrators and assessors and umpire to hear a case of salvage—for each person convened... ...	0	2	0
Notices to parties to the inquiry, of time of hearing a case	0	2	0
Summons (and duplicate) to each witness, if required	0	0	6
To person serving a notice or summons where distance travelled shall not exceed four miles*	0	0	6

* The distance to be reckoned in each case to the place of service from the Petty Sessions Court of the district, and the return journey is not to be taken into account.

	£	s.	d.
Where distance travelled shall exceed four miles ...	0	1	0
Taking written examination of witnesses	0	1	0
Copy of such evidence, if required	0	0	6
Preparing award—per folio	0	0	8
Fair copy of same—per folio	0	0	2
Attending arbitrators, and, if necessary, also assessor and umpire, for their several signatures and approval, a total sum of	0	5	0
Writing letters, specially directed to be written by the arbitrators or umpire, each letter	0	2	0

Allowance to Witnesses.

Class.	Personal Allowance.				Travelling Expenses.
	Minimum.		Maximum.		
	Per Day.	Per Night.	Per Day.	Per Night.	
	s. d.	s. d.	s. d.	s. d.	
1. Seamen (other than persons holding certificates as mates or engineers) and Labourers.	2 0	1 6	5 0	2 6	Railway or other public conveyance to be used when practicable. Actual fare paid to be allowed (3rd Class by rail). In special cases, where the witness is obliged to hire a car for himself, the allowance should not exceed 8*d.* per mile, and half fare returning if on same day. If on a subsequent day a like sum of 8*d.* per mile. Witnesses proceeding from the same place to use, as far as practicable, the same car.
2. Master Mariners, Mates, Pilots, Engineers, Farmers, Shopkeepers and their Assistants, Commercial and Law Clerks, Artisans, and the like.	3 6	3 0	6 0	5 0	
3 Petty Sessions Clerks	—	—	7 6	7 6	
4. Merchants, Bank Officials, and the like.	5 0	5 0	10 0	10 0	Same as above, except that 2nd Class fare should be allowed by rail.
5. County Surveyor's Assistants, Land Surveyors, and the like.	4 0	4 0	10 0	5 0	
6. Government Officials (not classed above).	—	—	10 0	10 0	
7. Doctors, Solicitors, Civil Engineers, and Hand-writing Experts.	21 0	10 0	42 0	10 0	Same as above, except that 1st Class fare should be allowed by rail.
8. Clergymen, Private Gentlemen, Officers of the Army and Navy, and the like.	5 0	5 0	10 0	10 0	

A petty sessions clerk is only to be paid when summoned from some place beyond the vicinity of the building where the arbitration takes place.

The allowance to a doctor residing in the town or immediate neighbourhood in which the arbitration takes place should be one guinea, and if detained in Court more than three hours an additional guinea. When summoned to attend as a witness at any other town the allowance should be two guineas for every day he is necessarily detained from home, together with 10*s.* for each night he is so detained.

The day shall be taken to commence at 6 o'clock a.m. and end at 8 o'clock p.m., and the night shall be taken to commence at 8 o'clock p.m. and end at 6 o'clock a.m. No allowance to be made for a night's absence from home to any party who could reasonably be expected to reach his or her usual place of residence before 8 o'clock p.m.

No witness should be allowed expenses in more than one case on the same day.

Fees to Practitioners.

	£	*s.*	*d.*
If any solicitor be employed to conduct an inquiry, &c., he shall receive for each day's service	2	2	0
(But no fee shall be paid for more than two days' attendance in any case.)			

166. Receiver to assist in settling claims.—The Receiver has important duties to perform in endeavouring to settle salvage claims amicably; in providing for the payment of what may be due by detaining the property saved; in releasing the property on proper security being given; in selling the property when necessary to satisfy the claims of salvors, and in apportioning money paid in satisfaction of such claims.

167. Mode of settling salvage claims. ss. 547 to 550.—In all cases of salvage claims and especially in cases relating to foreign vessels every endeavour should be made to arrive at an amicable settlement as soon as possible. As the Receiver has power to detain the property until claims are settled, and as he will, either of his own knowledge or from communication with the Coastguard, be in possession of the facts, there should, in the majority of cases, be no great difficulty in effecting such a settlement. If he cannot bring the parties to terms, the dispute must be settled in the manner pointed out by sections 547 to 550, and section 571. In the minor cases referred to in paragraph 160, the Inspector or District Officer of Coastguard will, provided his life-saving duties permit, give his services as assessor or umpire, if required to do so. In cases where the Wreck is unclaimed, and any question arises as to salvage, the Receiver will, before paying any salvage claims, report the case, with the claims made and his opinion on them, to the Mercantile Marine Department, Board of Trade.

168. Receiver to act impartially.—In performing the duties required of the Receiver in these cases he will remember that he occupies an independent and quasi-judicial position; that it is his duty, whilst providing for the claims of *bonâ fide* salvors, and thereby furthering the real interest of all persons interested in trade or shipping, to endeavour so far as his powers permit to protect those interests against vexatious and improper claims.

169. Salvage for saving life to be first charge on the ship and cargo. ss. 544, 546.—The cases in which salvage is payable are stated in sections 544 and 546. Two points require special notice. Salvage is by the Act made payable for the preservation of human life, and claims on this ground are to take priority of all other claims. No rules are or can be laid down as to the amount to be appropriated for this purpose, but Courts of Law in determining it will no doubt be guided by the same principles which govern ordinary salvage cases, so far as those principles are applicable.

170. Salvage will in some cases be paid by Board of Trade.—When the property saved is not sufficient, the Board of Trade has power to grant rewards for saving life out of the Mercantile Marine Services Vote. It will be the duty of the Receiver in every case in which a claim is made on this ground, or in which he thinks such a claim ought to be made, to make a report to the Board of Trade on Form Wr. 32, stating the circumstances of the case, the value of the property saved after deducting expenses, together with his own opinion on the claim. In making this report he should communicate with the Inspector of Coastguard concerned if the Coastguard were present, and the Inspector should join in and sign the report, or state the grounds of his dissent.

171. Receiver's claims for salvage.—Another point to be observed is that the Receiver himself can never be entitled to salvage in respect of Wreck. In cases of assistance rendered to ships in distress and to the persons on board, the Act does not preclude him from making such a claim; but it is clear that he cannot claim salvage for any of the duties imposed on him by the Act, for which certain fixed fees are to be paid. It can, therefore, only be in very special cases, where he incurs some risk, or undertakes some labour or expense altogether beyond the scope of his duties as Receiver, that he can make any claim to salvage. No powers which he possesses as Receiver must be used to determine or enforce his own claims to salvage. If they are disputed, he must at once report the case to the Mercantile Marine Department, Board of Trade.

172. Coastguard's claims for salvage.—The Coastguard will be entitled to salvage if they incur some risk, or undertake some labour beyond the scope of their ordinary duties (*e.g.*, if with special difficulty, labour, or danger, or with damage to clothing, or if they actually put out to sea and with risk and effort save

property from a wrecked vessel), but they are not to enforce any demand by the detention of property or by any other means than those which the law authorises. The Receiver should, before submitting to the Board of Trade a claim from the Coastguard for salvage, obtain a certificate from the Inspector of Coastguard to the effect that the case was one of special difficulty or danger or of damage to clothing &c. In other cases they will be remunerated as hereinafter mentioned (paragraph 266 *et seq.*). Exorbitant or improper claims to salvage will not be entertained by the Board of Trade, neither will they entertain claims by the Coastguard for salvage of Government property.

173. Must be sanctioned by Board of Trade. Wr. 17-18. Appendix B.—Claims to salvage on behalf of the Coastguard should not be paid in the same manner as ordinary salvage, but the claims should be preferred on Form Wr. 17-18, and sanction obtained from the Board of Trade before payment is made. Form Wr. 17-18 should be countersigned by the Inspector in Section B, and sent, together with the Inspector's certificate as required in accordance with paragraph 172, to the Head Receiver, who should satisfy himself that the amounts claimed are not in excess of the scale laid down in paragraphs 177 and 191 of these Instructions, before completing section C of the form, which should then be sent to the Finance Department, Board of Trade, for approval. If and when approved the form will be returned to the Receiver with directions as to the payment of the reward.

174. Customs Officers' claims for salvage.—Claims to salvage on behalf of Officers of Customs and Excise should be submitted by the Receiver in a similar manner on Wr. 17-18.

175. Salvage Services rendered by H.M. Ships.—Receivers should be guided by the provisions of section 557 and of the Merchant Shipping (Salvage) Act, 1916 (Appendix A).

176. Principles for determining the amount due.—The amount due for salvage depends so much on the circumstances of each case that it is impossible to do more than call the attention of the Receiver to certain general principles which govern these cases. In settling the amount he may avail himself of the assistance and knowledge of the Coastguard. If the Receiver is in any difficulty, he should forward to the Mercantile Marine Department, Board of Trade, a full report of the case with his views as to settlement.

177. Principles to be followed in awarding salvage.—The chief considerations to be borne in mind when fixing the amount due for salvage services are :—

(*a*) The degree of danger from which the lives or property are rescued.

(*b*) The value of the property saved.

(*c*) The risk incurred by the salvors.

(*d*) The value of the property used by them in the services and the danger to which it was exposed.

(*e*) The skill shown in rendering the services.

(*f*) The time and labour given by the salvors.

(*g*) In a case where salvage services are rendered by a fishing vessel the value of the fishing lost by reason of the services rendered.

Where (*f*) is the only, or practically the only, consideration, the service can hardly be called a salvage service; it is little or nothing more than a question of labour, and should be remunerated accordingly.

(*a*) **Degree of danger.**—In estimating the degree of danger from which the lives or property were rescued, regard should be had to:—

The damage sustained by the vessel itself;

The nature of the locality from which she was rescued;

The season of the year when the services were rendered, and if the weather at the time was not tempestuous, the probability or improbability of its becoming so.

Ignorance or knowledge (as the case may be) of the locality on the part of the master and other persons on board the vessel saved.

(*b*) **Value of property saved.**—The value of the property saved is also an important point to be considered when fixing the amount of remuneration to be awarded. If the value of the property be small, the reward must be small; if large, a greater reward may be given, for in proportion to that value is the *benefit* to the owners, which is one of the primary considerations in settling the amount of remuneration. The amount of the reward should not, however, increase in direct proportion to the value of the property. The object is to give an adequate reward; Courts of Admiralty, therefore, always give a smaller proportion when the property is large.

As a general rule it may be stated that Courts of Admiralty very seldom, if ever, give more than one-half of the value of the property saved. This should, in fact, be regarded as the maximum, except in some few cases where the services have been highly meritorious, and the value of the property saved is but small. Where dutiable articles are saved the Receiver in assessing the salvage reward should not include in the value of the goods the amount of duty to which they may be liable. Salvage on such articles should be assessed on the net value apart from the duty. *See also* paragraph 195.

(*c*) **Risk incurred by Salvors.**—The risk incurred by the salvors themselves, if necessarily incidental to the performance of the service, is the most important consideration in estimating the amount of salvage to be awarded. The value of human life is a factor which is and ought to be principally considered in the

preservation of other men's property; and if this be satisfactorily proved to have been hazarded, the salvors should be most liberally rewarded; and when not only risk has been incurred, but actual loss of life has ensued, a still larger amount of salvage should be given.

(*d*) **Value of and risk to property used in rendering the service.**—The value of the property used by the salvors is not an unimportant element in estimating the reward to be given, provided it has been exposed to risk and danger in the performance of the service. The greater the risk incurred by the salvors or their property, the greater should be the remuneration.

(*e*) **Skill shown by Salvors.**—The skill and knowledge of the salvors is another essential element in a meritorious salvage service. The same skill, however, that would be required from duly licensed pilots is not to be expected from ordinary smacksmen or boatmen assuming the management of vessels in cases of difficulty; but to entitle such salvors to reward it must be shown that they possessed skill commensurate with their vocation and condition in life, and adequate to the duties they undertook to perform.

Salvage by Pilots.—Where the services have been performed by pilots, care should be taken to ascertain that the services were really of a salvage nature, and that the vessel was actually in distress; for otherwise they must be regarded merely as pilotage services. It is a settled doctrine of the Court of Admiralty, that pilots may claim as salvors in circumstances of great danger, or where other than mere pilotage services have been required of them. No pilot is bound to take charge of a vessel in distress for mere pilotage reward; and if he does take charge of a vessel so circumstanced he is entitled to a salvage remuneration. In all such cases, the skill and knowledge possessed by persons of this class fairly entitle them to a liberal reward.

178. Agreements made prior to performance of towage services.—When an agreement has been made for the performance of a towage service it cannot easily be repudiated by the owners and crew of the towing vessel on the ground that after the commencement of the service, circumstances arose rendering performance of such difficulty as to alter the rights of the parties and turn a towage agreement into a salvage service. Repudiation in such a case would normally result in an appeal to a Court of Law involving a full investigation of the circumstances. It has, however, been held by the Courts that agreements for towage are not binding when there was, prior to their conclusion, a concealment of circumstances which were afterwards found to add materially to the difficulties attending the performance of the service, but this is a matter which would no doubt be considered by the Court in any particular case.

179. Apportionment of salvage. s. 555.—In all cases in which the aggregate amount payable for salvage has been settled either

by agreement or by legal decision, and does not exceed £200, the person who is to pay it may, for the purpose of avoiding further litigation or difficulty, apply to the Receiver to receive it, and distribute it amongst the several claimants. The Receiver will thereupon receive and distribute it, unless there are any special circumstances, such, for instance, as a claim for salvage on his own account, or unusual questions of doubt or difficulty, which render it impossible for him to do so. In all cases in which he refuses to act, he will at once report the case and his reasons for refusing to the Mercantile Marine Department, Board of Trade. Upon receiving the money he will grant a certificate on the Form Wr. 0 (*see* Appendix B), and proceed to apportion the amount among the salvors. In making the apportionment he will avail himself of the assistance of the Coastguard who may have been present. A copy of the certificate should be kept by the Receiver. Upon payment a receipt on Form F. 16 must be taken from the various parties, showing the amount paid to each person and the services in respect of which it is paid.

180. Principles on which apportionment is to be made.—The principles which regulate the apportionment of a salvage reward amongst the parties entitled thereto are in most cases comparatively simple. The cases which will fall within the cognizance of the Receiver will generally be found to belong to one or other of the following classes :—

(*a*) The Coastguard.
(*b*) Smacksmen, boatmen, or fishermen.
(*c*) Landsmen or beachmen.
(*d*) The master and crew of some vessel.

(*a*) As regards the Coastguard (whose claims to salvage are regulated by paragraph 172) rules have been laid down for the distribution of rewards of all kinds amongst those engaged; and the Receiver should therefore pay over the whole amount due to the Coastguard to the Inspector of the Division, who will be responsible for the distribution of the amount amongst those concerned. A special report should be made by the Inspector in cases where special skill or enterprise has been shown, or special risk incurred by any individual, in order that directions may be issued, if necessary, for giving a special reward.

(*b*) With regard to smacksmen, boatmen, and fishermen, it will generally be found that there is a scale of distribution recognised and agreed upon amongst them; the smack or boat has a certain number of shares, and the remainder belong to the master and crew in certain agreed proportions. Where such a scale exists, it should be strictly adhered to in making an apportionment of salvage, unless indeed any one or more of the men have shown great skill and enterprise or incurred greater risk than the others when an exception may sometimes be made in their favour.

Where, however, salvage has been awarded to the crew of a smack or boat, amongst whom there is no such agreed scale of

distribution, the Receivers will do well in making the apportionment to follow the scale of distribution generally adopted amongst the smacksmen and boatmen in the neighbourhood; as such agreements are generally found to be based upon principles of justice and equity, and are such as best conduce to the interests of the community by whom they have been adopted.

Where a cargo of fish has been spoiled or injured in rendering the salvage service, care should be taken, in making the apportionment, to ascertain upon whom the loss will fall, and a corresponding allowance should be made to them.

(*c*) With regard to beachmen and landsmen, it will generally be proper to divide the salvage equally amongst them all. They will, probably in most instances, be found to belong to the same class in life, to have incurred the same risk and the same amount of labour, and to have shown the same skill in the performance of the services. Should any of them have, however, greatly distinguished themselves, it will be proper to give them a larger proportion of the salvage award.

(*d*) The fourth class of cases, where the salvage services have been rendered by a vessel and her master and crew, will be found by the Receiver to be the most difficult, as the apportionment must depend upon a consideration of the whole circumstances of the case, and whether the preservation of the property is due principally to the services of the salving vessel herself, or to the personal exertions and risk incurred by the master or the crew. As a general rule, it may be stated that where the services have been chiefly performed by the vessel herself, as in the case of the salvage of a derelict, one-half of the salvage reward is given to the owners of the salving vessel, from one-fourth to one-eighth to the master, and the remainder amongst the crew in proportion to their wages. Where, however, the services have not been rendered chiefly by the vessel, and where the vessel has not been exposed to any risk or danger, but where the preservation of the property is due in great measure to the personal exertions of the master and crew, then a much smaller portion of the salvage is awarded to the owners of the vessel. It is, however, a question of appreciation, dependent entirely upon the circumstances of each particular case, and in regard to which no positive general rule can be laid down. The greater the risk to the master and crew and the less the risk to the vessel, the greater must be the proportion awarded to the actual salvors, and the less to the owners of the salving vessel.

Apprentices.—It should be observed that apprentices are entitled to share in an allotment of Salvage; and that the master or the owners of the vessel cannot claim the shares which may fall due to their apprentices; and also, that if a contract giving up or making over any claim to salvage to any person whatever is made by any seaman or apprentice prior to the accruing of such claim, such contract is absolutely void, as being against equity, public policy and positive enactment. See sections

156 (1), 163 and 212. If, however, a vessel is especially engaged for salvage services, and it appears by the terms of the agreement made with the crew that the ship is to be employed on salvage service, then the crew are only entitled to the remuneration specified in the agreement. *See* section 156 (2).

181. Apportionment of Salvage. Crews of Foreign Ships.—Section 7 of the Maritime Conventions Act, 1911, provides that where any dispute arises as to the apportionment of any amount of salvage among the owners, master, pilot, crew and other persons in the service of any foreign vessel, the amount shall be apportioned by the court or person making the apportionment in accordance with the law of the country to which the vessel belongs.

182. Receiver to detain property for payment of salvage, and release it on security being given.—It will be the Receiver's duty, in every case where a salvage claim is disputed, except where the ship is a ship of war or other vessel belonging to a foreign Government, or where the claim is for salvage services rendered by one of His Majesty's ships (unless the consent of the Admiralty has been first obtained under section 557), to detain the property saved until the claim is settled or proper security given. Special care should be taken, in the case of a foreign vessel, to make the detention effective. Any neglect on the part of the Receiver in such a case may render him personally liable in damages. A Form marked Wr. 13 is provided, in which the application for the Receiver to detain property is to be made by the salvors. This form should, if possible, be used in every case of the kind. The declaration contained therein, when duly executed, must be made before a Magistrate or a Commissioner for Oaths, and delivered to the Receiver. The Receiver will, however, endeavour to avoid the necessity for exercising his power of detention, both by co-operating with the Coastguard in excluding unnecessary interference by unauthorised parties in cases of shipwreck or casualty, and by trying to settle at once and amicably any questions which arise. If he is unable to effect this, and any loss or inconvenience is likely to arise from the detention of the property, he will proceed at once to consider what is the amount due, and will offer to release the property on due security being given.

In any case where salvage services have been rendered to a vessel, and a request for detention (Wr. 13) is lodged with the Receiver after the departure of the vessel, it does not rest with him to take any steps to have the vessel detained.

In such a case he should refer the applicants to the Receiver of Wreck at the port to which the vessel is bound.

This paragraph also applies to aircraft wrecked on or over the sea or tidal waters.

183. Form of bond. Wr. 01.—This security may be by bond in the Form Wr. 01 mentioned in Appendix B, and the bond should be executed by two sureties, of whose responsibility the Receiver must be satisfied. These sureties, though not named as such in the bond, and though formally liable to the party to whom the bond is given, will, *as between themselves and their principal*, be liable as sureties only. If the claim does not exceed £200, the Receiver has power to decide finally on the amount to be secured by the bond and the sufficiency of the sureties; if it exceeds that sum, either the salvors or the owners of the property saved may, if dissatisfied with the Receiver's decision, apply to the Admiralty Courts to have the security settled, and in such case the Receiver will not release the property until the decision of those Courts is given. If the salvors can agree upon the person to whom the bond is to be given, the name of that person should be inserted in the bond as obligee. If not, the Receiver may take the bond in his own name.

The bond will require a stamp in accordance with the following scale :—

				s.	*d.*	
Not exceeding £10 ...			...	0	3	stamp.
Exceeding	£10, but not exceeding		£25	0	8	„
„	£25,	„	£50	1	3	„
„	£50,	„	£100	2	6	„
„	£100,	„	£150	3	9	„
„	£150,	„	£200	5	0	„
„	£200,	„	£250	6	3	„
„	£250,	„	£300	7	6	„

And in any other case, 10*s.* stamp.

184. Security may be by deposit in cash.—If the owner of the property desires it, and the Receiver sees no objection, the security may be in the form of a deposit in cash. The amount of the deposit is to be determined by the Receiver in the same way as the amount to be secured when a bond is given. The security, whether by bond or in cash, is not to include the Receiver's fees or any incidental expenses incurred, paid, or authorised by him or due to the Coastguard, or to the Ulster Constabulary in Northern Ireland. These must always be paid before the property is given up.

185. Property not to be detained after security is lodged.—After security is lodged for salvage, the salvors have no power to interfere to detain the property, and the salvage must be left to be arranged and settled between the owners or their agents and the salvors.

186. Receiver not to interfere after security is lodged unless applied to.—The Receiver need not, when property is given up on security being lodged with him or the Board of Trade, interfere to obtain a settlement of the salvage unless applied to by

either of the parties interested, and then before taking any steps he should report the case and obtain the directions of the Mercantile Marine Department, Board of Trade.

187. Receiver not to be party to legal proceedings.—Except in cases where he is directed so to do by the Board of Trade, the Receiver will not make himself a party to any legal proceedings concerning salvage, whether in respect of unclaimed Wreck or otherwise. Where security is given to him he will, on obtaining an indemnity against costs, allow his name to be used by the salvors for the purpose of putting it in force, but will take no active part in the proceedings.

188. Duty in case of sale of property. s. 553.—When he has to sell property for the purpose of paying salvage claims and expenses, he will be guided by the rules contained in these Instructions. He will never make any such sale for such purpose without first apprising the owners or their agents, if known, and within reach, or without first obtaining the sanction of the Mercantile Marine Department, Board of Trade.

189. Payment of Salvage.—Except as provided in paragraphs 193 and 196, salvage must not be paid until either the owners' title to the property has been clearly proved, and the amount of the reward has been agreed to by them, or (if the property is unclaimed) until it has been sold and the amount of the proceeds is known.

The rules laid down in paragraph 177 are to be strictly adhered to as the basis on which salvage is to be calculated except in cases where the proceeds of the sale are only small (*see* paragraph 191).

190. Salvors not to sub-divide property in order to increase reward.—It is to be specially noticed that in no case are salvors to be permitted to sub-divide articles salved by them into small lots with a view of obtaining a larger sum of salvage thereon.

191. Payment of salvage where net proceeds are small.—Where the net proceeds of sale are small, salvage may be calculated at any sum which the Receiver may consider suitable, not exceeding the following rates (but *see also* paragraphs 193 and 194) :—

(*a*) When the net proceeds of the property do not exceed £2 10*s*., a sum not exceeding two-thirds of such proceeds;

(*b*) When the net proceeds exceed £2 10*s*., but are under £5, a sum not exceeding one-half of such proceeds; and

(*c*) When the net proceeds amount to £5 or over, a sum not exceeding one-third of such proceeds.

192. Foreign Fishing Gear.—When assessing the amount due in respect of the salvage of foreign fishing gear by British subjects the Receiver should as far as possible follow the rule laid down by Article 62 of the Fisheries Convention, 1843, which

limits the amount of salvage in such cases to one-quarter of the value.

193. Payment in advance of sale: anchors and chains.—In the case of anchors and chains, a payment of 2*s.* per cwt., as salvage in full of all demands, may be made to the salvors immediately upon their delivering the articles into the custody of the Receiver unless the property has been claimed or is likely to be claimed, in which case the Receiver should not interfere by advancing salvage, as the owners are not bound to allow any amount fixed by him.

194. Special Salvage Services.—In any case of unusually difficult or meritorious services, the Receiver should before making the salvor an offer of payment under either paragraph 189, 191 or 193 obtain directions from the Mercantile Marine Department, Board of Trade, submitting his views as to what would be a fair reward in the circumstances.

195. Dutiable articles.—In the case of dutiable articles, the salvage payable under paragraph 189 or 191 must, in accordance with paragraph 177 (*b*), be calculated on the net proceeds exclusive of duty. If the salvage so calculated, or as fixed by the Board of Trade under paragraph 194, amounts to at least one-half of such net proceeds and is, nevertheless, in the Receiver's opinion insufficient, he may forward a claim from the salvor for extra remuneration, with a full statement of the facts, to the Mercantile Marine Department, Board of Trade, who will be prepared to submit it to the Commissioners of Customs and Excise. In cases where there are no net proceeds, *e.g.*, through the goods being unsaleable, the Receiver may also submit a claim to the Board of Trade if he considers that, for special reasons, salvage should be paid, notwithstanding that there are no net proceeds.

196. Payment in advance of sale. Articles other than anchors and chains.—Where for any special reasons it is desirable, in cases not within paragraph 193, that salvage should be paid before the owners are discovered or the property is sold as unclaimed, the Receiver should apply for the necessary authority to the Mercantile Marine Department, Board of Trade, giving his estimate of the value of the property and of the expenses likely to be incurred for warehousing, watching, carting, commission, &c., and also his assessment of the salvage payable under paragraph 177 or under paragraph 191, in cases where the articles are of small value.

If, owing to exceptional causes the Receiver should be unable to make a satisfactory valuation of the property himself he may employ a valuer; and in that case he should include in his application to the Board of Trade a statement of the amount of the Valuer's fee. Special applications should not be made to the Board of Trade if the property has been claimed or is likely to be claimed.

197. Payments in advance. General.—When a payment is made in advance under paragraph 193 or paragraph 196 it is to be made out of any money in the Receiver's hands on account of the Board of Trade, and is with other expenses to be entered in the Report Book (Form Wr. 10) in accordance with the requirements of the printed headings, and in Schedule 10.

When such an advance is made and accepted it must be taken as in full of all demands for salvage, and a proper receipt or discharge as mentioned below must be taken from the salvors accordingly. If the salvors refuse to give such discharge an advance must not be made to them.

198. Salvors' receipts.—The salvors' receipts are to be taken on Forms F. 16, and these forms, with the valuation certificate (if any) signed by the valuer, and his receipt for the amount paid to him for his services, are to be transmitted to the Board of Trade, with the Receiver's accounts.

199. Protection of Customs Revenue.—The General Orders of the Commissioners of Customs and Excise applicable to wrecked goods, when taken possession of or required to be removed or re-shipped by the owners, should in all cases be duly obeyed.

Delivery of Property to Owners or their Agents.

200. Property to be delivered to Owners.—On actual payment of all sums due or advanced for Customs duties, fees, and expenses, and upon salvage being either paid or provided for, the Receiver will deliver up all property which comes into his possession or custody (and the proceeds of such parts of it as may have been sold) to any person who proves himself, to the satisfaction of the Receiver, to be the owner of such property, or to any agent duly appointed by him, or will dispose of it as he or they may direct. If the person claiming is an owner or master known to the Receiver, the receipt for the property or for the proceeds is to be taken on Form Wr. 24-25 (*see* Appendix B). The Coastguard have been instructed not to hand over any property in their charge without written authority from the Receiver.

201. Claim of representatives of deceased Master or Crew.—If the property belonged to the master or of any of the crew of a wrecked ship, and if the person to whom it belonged is dead, the claim of the person entitled to receive the property is to be made on Form W. and E. 3, which can, when required, be obtained on application to the Superintendent of any Mercantile Marine Office.

202. Property belonging to deceased passengers.—Receivers should act in accordance with the preceding paragraph in respect of property whether in the nature of personal effects or ordinary baggage not wanted on a voyage, provided that the property is clearly marked with the name of the passenger.

203. Receiver not responsible for property after giving up possession.—When the necessary forms of receipt have been completed and signed, and when the Receiver has given up possession (whether or not the salvage is paid, or security by bond or by cash is lodged), he need no longer look after the property. The agents who receive it on behalf of their principal must then be held responsible, and any claims they may have must be settled by their principal.

204. Claim by Agent, &c.—If the person claiming it is an agent, or an owner unknown to the Receiver, he is to fill up and declare the Form Wr. 24-25 according to the printed directions therein contained, and is to deliver it to the Receiver. The Receiver must in all cases be careful that the proper documents are produced in support of the claim before delivering up possession of the property. (*See also* paragraph 113.)

205. Whole of property to be taken.—Care should be taken that when a claim to wrecked property is admitted, the claimant is made to take the whole of what is comprised in his claim, or to pay the expenses of any portion of it which may be left by him in the Receiver's hands as not worth claiming.

For example, if a claimant establishes his claim to a cargo from a wrecked ship, and any portion of the cargo is damaged, he must take the damaged portion with the sound, or must pay the expenses of salving, watching, and disposing of the damaged portion before he is allowed to remove the other portions.

206. Claim after expiration of 12 months.—If the property is Wreck, and no claim to it is made within one year after the Receiver obtains possession of it, any subsequent application by or on behalf of the owner must be referred to the Mercantile Marine Department, Board of Trade, if the right to unclaimed Wreck belongs to the Crown, or if it belongs to any of the other parties mentioned in section 525, to such party.

207. Master to be treated as Agent for the Owners of both ship and cargo.—The owner of the ship being responsible for the cargo and the master of the ship having, as the servant of the owner, the legal custody thereof, the Receiver will treat the master when present, as the agent of the owners, not only of the ship, but also of the cargo, unless and until it is clearly proved that the owners of either have put an end to such agency.

208. Receiver to treat Consuls of certain countries as Agents for Owners without requiring proof of Agency. s. 521.—In cases in which any articles are brought or cast ashore belonging to or forming part of the hull or cargo of any ship belonging to any of the countries mentioned below, and the master or owner of the ship or his agent is not present to take charge of them, the Consul-General, Consul, Vice-Consul, or Consular Agent of the country to which the ship belonged is to be considered as agent for the owner of the ship, and the Consul-General, Consul, Vice-Consul, or Consular Agent of the country to which the owner

of the cargo belongs is to be considered as agent for the owner of the cargo, and is to be treated by the Receiver accordingly. In all such cases the fact of the wreck or stranding should be brought to the knowledge of the Consular Officer or Consular Agent of the country concerned *with as little delay as possible.*

List of Countries.

Belgium.	Mexico.
Bolivia.	Morocco.
Colombia.	Muscat.
Costa Rica.	Netherlands.
*Denmark.	Nicaragua.
Finland.	Paraguay.
†France.	Persia.
Germany.	Peru.
Greece.	Portugal.
Honduras.	Serbia.
Italy.	Spain.
Japan.	Switzerland.
Latvia.	

In other cases proof to be required.—In the case of other countries the Receiver will do his utmost to act in harmony with the Consul, Vice-Consul, or Consular Agent; but will not deliver the property to him except on proof that he is acting as agent for the owners of the property, or as agent for the Consul-General of the country to which the owners of the property belong. In such case the Consul, Vice-Consul, or Consular Agent must produce a written authority before he can be allowed to interfere or to have possession of the property.

209. Reference to Board of Trade.—If the property to be delivered up exceeds in value £200, or if the Receiver is in any doubt as to the person to whom it ought to be delivered, he will apply to the Mercantile Marine Department, Board of Trade, for directions before delivering it.

210. Delivery of Wreck by Receiver not to prejudice title.—Upon delivery of Wreck or proceeds of Wreck by a Receiver to any person, the Receiver is discharged from all liability in respect thereof, but such delivery does not prejudice or affect any question concerning right or title to the Wreck which may be raised by third parties, or any question concerning the title to the soil on which the Wreck may have been found. Receivers must, however, be very careful not to give up Wreck until the rules contained in these Instructions have been complied with or in special cases until directions have been obtained from the Mercantile Marine Department, Board of Trade.

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* *See* Appendix K as to interpretation of the Anglo-Danish Agreement.

† With regard to French vessels wrecked on British coast, *see* Appendix K. (Anglo-French Declaration).

Rights of Lords of Manors and other Persons claiming Wreck.

211. Person exercising Admiralty jurisdiction not to interfere. s. 529.—No person exercising or claiming Admiralty jurisdiction can take possession of Wreck, or in any way interfere with Receivers or the Coastguard in discharge of their duties under the Act. If any such person should attempt to do so, the Receiver or member of the Coastguard concerned should continue to perform his duties, and warn the offending party of the penalties which attach to the obstruction of those duties. Any such case should be reported to the Mercantile Marine Department, Board of Trade.

212. Lord of the Manor, &c., not entitled to unclaimed Wreck unless notice is given and proof made.—No Lord of the Manor, heritable proprietor duly infeft, or other person claiming Wreck, can enforce any such claim, unless he has given to the Receiver of the district the notice required by section 524, and until proof has been made to the satisfaction of the Board of Trade of the validity of such claim.

213. Wrecked aircraft or aircraft wreckage.—In accordance with the Order in Council made on the 10th August, 1921, under the provisions of Section 11 of the Air Navigation Act, 1920, no Lord of the Manor, heritable proprietor duly infeft or other person claiming Wreck, is entitled to unclaimed wrecked aircraft or aircraft wreckage.

214. Proceeds of unclaimed Wreck not to be paid over without special directions.—Receivers are in no case to pay over the proceeds of unclaimed Wreck without express directions, and when preparing Form Wr. 22 for submission to the Board in accordance with paragraph 224, they should satisfy themselves that the person whose title to the proceeds of unclaimed Wreck was last admitted by the Board of Trade is still alive and in possession of the Manor.

In all cases of transfer of Wreck rights, whether by sale, succession, or otherwise, it is necessary, before paying over proceeds of unclaimed Wreck to the new claimant, to obtain from him or his agent a stamped statutory declaration in the form given below showing the manner in which the right has devolved upon him. The declaration should first be submitted in draft to the Board, who will give the necessary instructions for payment when satisfied as to the title.

Form of Statutory Declaration as to Devolution of Title.

The declarant should—

(1) State that he, or the person or body he represents, is now entitled to the proceeds of unclaimed Wreck cast upon shore adjacent to the property owned, setting out the limits of the area over which Wreck is claimed by reference to an Ordnance Map.

(2) Give extracts from conveyance, will or other instrument under which right passes to declarant, or the person or body he represents.

(3) Give any further facts necessary to explain the devolution of the title to declarant or person or body he represents.

(4) State that, accordingly, in the events that have happened, he, or the person or body he represents, is now entitled to Wreck in respect of the aforesaid property.

When a solicitor or an agent declares to the above effect he must show on the face of the declaration his means of knowledge.

215. Lords of Manors' claims not to be admitted without the sanction of the Board of Trade.—The claims of Lords of Manors and others which have been admitted by the Board of Trade have been duly notified to Receivers, and further notices will be sent from time to time as the cases are settled. Receivers should not in any way admit *any* right to unclaimed Wreck, notice of the admission of which has not been sent to them, and should be careful not to report Wreck to the Lords of Manors without such notice.

216. Lords of Manors seldom entitled to Wreck found floating.—Receivers should observe the precise terms of the notices which are sent to them admitting claims. In most cases persons having Wreck rights are only entitled to Wreck *washed ashore*.

217. Landward and seaward limits of claims of Lords of Manors.—The landward limit of a claim of a Lord of a Manor is not necessarily at the mean high water mark or at the high water mark of spring tides, as the Wreck may be washed ashore above either of these limits. The seaward limit is, generally speaking, the low water mark of ordinary or medium tides for Wreck cast high and dry, or stranded but surrounded by water.

When Wreck is found stranded and surrounded by water or floating or bumping between low water mark of ordinary or medium tides and low water mark of spring tides it should be regarded as being subject to "the sea jurisdiction" and cannot be claimed by the Lord of the Manor. On the other hand, at the time of exceptionally low tides goods left high and dry between these tide marks would be regarded as Wreck washed ashore (having come within "the land jurisdiction") and would therefore belong to the Lord of the Manor if his title to unclaimed Wreck has been admitted. The Crown claims all floating Wreck and all stranded Wreck not high and dry and lying below low water mark of medium tides. The Lord of a Manor has no claim if the salvors have to wade below low water mark of medium tides in order to secure any Wreck whether floating, bumping or stranded.

218. Wreck found bumping.—In the case of Wreck found "bumping," i.e., half aground and half afloat at or above low

water mark of ordinary or medium tides on the shore adjacent to any Manor the claim of the Lord of which to Wreck *washed ashore*, has been admitted, payment of a moiety of the net proceeds will be authorised by the Board.

219. Where a Lord of a Manor is entitled to unclaimed Wreck, a report must be sent to him. s. 524.—In any case where Wreck *washed ashore*, would, if unclaimed by or on behalf of the owners within the year, become the property of some person other than the Crown, and his right has been admitted by special directions from the Board of Trade, it must be reported to him at once in accordance with section 524 on Form Wr. 12; but he has under the statute no power to interfere with the Wreck until after the expiration of twelve months from the date on which it is delivered to the Receiver.

220. Lord of Manor may under certain circumstances have possession before 12 months.—As, however, in some cases it may be more convenient to allow him to have possession before the expiration of the year, the following arrangement has been made and should be acted on if the Lord of the Manor wishes it and if the Receiver sees no objection. If the Wreck is *less than £5 in value*, the claimant may obtain possession of it before the expiration of the 12 months required by the Act, in either of the following ways:—

(1) He may have first offer of purchase:

He may buy it of the Receiver at as high a price as any other person would give for it, in which case the proceeds of sale are to be held by the Receiver for 12 months, at the expiration of which time they are to be handed to the person entitled to receive them, in accordance with the 525th section, deducting all sums due for fees, expenses, Customs duty, and salvage.

(2) He may have possession on giving a guarantee:

He may have possession *after* paying to the Receiver the sums due for salvage and fees, and for such expenses as may have been already incurred, and on giving the Receiver a guarantee that he will, if the property is claimed on behalf of the owner within one year, pay to the Receiver the remaining value. The value will in all cases be fixed by the Receiver before he gives up possession of the property.

221. Form of guarantee. Wr. 21. Appendix B.—A form of guarantee has been prepared, and is marked Wr. 21. This form must be strictly adhered to, and the Receiver is not to deliver up the property unless satisfied of the solvency of the person giving the guarantee.

The Form Wr. 21 should be transmitted with the accounts in which the fees and expenses are brought to account.

222. Disputes to be referred to Board of Trade.—In every case in which a question arises with respect to the claims of private persons to unclaimed Wreck, whether in respect of the title of such persons or of the amount or nature of the sums or property to be paid or delivered, or of the deduction for salvage, fees or expenses, the Receiver must communicate with the Mercantile Marine Department, Board of Trade, before taking any decisive step or committing himself in any way.

223. All Wreck must be reported to Receiver. s. 518.—It should be borne in mind that wrecked property, even if found upon shore adjacent to the estate of the Lord of a Manor whose title has been formally admitted, must be reported to the Receiver of Wreck of the district by the actual salvors or finders; and further, that no person has, under the Act, any right or title to take possession of and appropriate Wreck found upon shore adjacent to his land until it is formally delivered to him by the Receiver.

Payments to Lords of Manors.

224. Quarterly statements to be sent to Board of Trade. Wr. 22. Appendix B.—Statements on Form Wr. 22 of the amounts due to Lords of Manors on account of unclaimed Wreck should be transmitted to the Finance Department, Board of Trade, through the Head Receiver, who should indicate that he approves, for examination at the end of each quarter, viz., on the 31st March, 30th June, 30th September, and 31st December. These statements should include the balances due to Lords of Manors in respect of all unclaimed Wreck salved during the corresponding quarter of the preceding year, and also any other outstanding balances due in respect of any earlier period. The Receiver should await the directions of the Board thereon before making any payment.

Before signing the Certificate (C) on Wr. 22 Receivers must satisfy themselves that the claimant has proved his title in the manner referred to in paragraph 214 and is still alive and in possession of the Manor. Payment should not be made to an agent without written authority from the Lord of the Manor.

Wreck Revenue.

225. Wreck to be sold, and proceeds accounted for at the end of a year. ss. 522, 525.—At the expiration of one year from the date at which Wreck has come into possession of the Receiver, such Wreck if not already sold under section 522, or if not already delivered to some legal claimant, is to be sold, and the amount credited in the Receiver's account with the Board of Trade. The sale should be effected as soon as possible after the expiration of the year, as unless this is strictly adhered to, great inconvenience is caused in keeping the books at the Board of Trade.

Receivers for Particular Districts.

226. Receivers specially appointed to have powers of Head Receiver in his absence.—Where a Receiver is specially appointed by the Board of Trade for a particular district under a Head Receiver, he will, in the absence of the Head Receiver, and subject to his control, have all the powers of the Head Receiver.

227. Any assistant to Head Receiver may take custody of wrecked goods, but may not exercise other powers of Head Receiver.—Where no such special appointment is made, any assistant to the Head Receiver, or any agent authorised by him, will take custody of wrecked goods, but will not be entitled to take the command and exercise the powers mentioned in sections 511, 512, 514, 517 and 519.

These last-mentioned powers will be exercised by the persons mentioned in section 516 in the order therein stated.

228. Depositions may be taken by Receivers specially appointed.—In order to prevent inconvenience and unnecessary delays, as well as to avoid incurring travelling expenses, the examination on oath required by section 517, and paragraphs 17 *et seq.* of these Instructions, may be taken by Receivers specially appointed as above.

229. Remuneration of Receivers and Persons holding appointments under s. 465 who are not Customs Officers or members of the Coastguard.—Receivers so appointed by the Board of Trade, who are not Officers of Customs and Excise, or members of the Coastguard, will be allowed to retain the commission received by them on account of wreck. They must, however, send an account of all transactions, through the Head Receiver, to the Board of Trade (*see* paragraph 230).

The following remuneration is payable to such Receivers and other persons for taking depositions, etc., but it will be allowed only on the condition that the work is done to the satisfaction of the Board of Trade. Claims for remuneration should be made on Form Wr. 19.

	s.	*d.*
(I) Taking depositions as Deputy-Receiver of Wreck under s. 517		
For each deposition not exceeding two	12	6
(II) Taking depositions under s. 465		
For each deposition not exceeding two	10	0
(III) For each casualty reported on Wr. 1		
(Where there is no deposition)	5	0

230. Accounts.—The accounts of such Receivers are to be carefully examined by the Head Receiver, who is held responsible for the acts of his deputies, and who, *before passing their accounts or remitting any charges, will ascertain that proper vouchers are appended, and that the out of pocket expenses (if any have been*

incurred) are necessary and moderate. (*For subsistence allowances and travelling expenses allowed to Civilian Deputy-Receivers* see *paragraph* 264.)

The Head Receiver may find it desirable periodically to examine and compare the items in the deputy's report book and book of receipt forms (F. 24).

Co-operation of Coastguard.

231. Assistance to ships or aircraft in distress. ss. 511 to 514.—Receivers of Wreck who are also Collectors of Customs and Excise, need not leave their offices for the performance of the duty of assisting ships or aircraft in distress, mentioned in paragraphs 11 to 16 of these Instructions, unless there is no Coastguard Station in the vicinity.

232. Property washed ashore out of a ship or aircraft in distress. s. 519.—In such cases the Coastguard (if any) will, so far as their life-saving duties permit, also undertake the duties mentioned in paragraphs 91 and following with regard to property washed ashore from ships or aircraft in distress. In performing these duties the Coastguard should pay particular attention to paragraph 93.

233. Guarding of wreckage by Civilians when Coastguard not available.—In cases of emergency requiring special watching or guarding arrangements when the Coastguard are unable to assist, without prejudicing their life saving duties, the Receiver, or a District Officer of Coastguard on the authority of a Receiver, may engage reliable civilians to perform this special duty. When possible, the men who are already employed by the Board of Trade to supplement the Coastguard Force, *e.g.*, Life-Saving Apparatus Volunteers or Auxiliary Watchkeepers, should be asked to carry out this work as and when the occasion arises. Where such men are not available, other men in the neighbourhood who can be relied on should be engaged.

Remuneration up to a maximum of 4*s.* 6*d.* for a watch of four hours may be paid, shorter periods to be paid for *pro rata*. If such an emergency arises in the district of a Wreck Agent, and the Agent is satisfied that it is necessary to enlist outside assistance, he should first telephone or telegraph to the Receiver for instructions.

Before engaging, or authorising the engagement of, a watchman, the Receiver should be satisfied that the value of the property to be guarded warrants the expenditure which would be involved. He is authorised to repay to the District Officer without delay any sums expended by him on watching, the watchers' receipts to be furnished, and the payments charged in Schedule 10.

If the owners are known, the Receiver will, in all such cases, take the usual steps to recover the expenses incurred. He should not permit watching or any prolongation of watching if an immediate sale of the wreckage is justified.

In each case where a paid watchman is engaged, a report of the circumstances should immediately be made to the Mercantile Marine Department, Board of Trade, through the Head Receiver

234. Wreck found to be taken possession of by Coastguard.—When any Wreck is found at any place within the district of a Receiver who is also a Collector of Customs and Excise, and neither the Receiver nor his Deputy duly appointed by the Board of Trade are present to take possession, the notice required by section 518 is to be received, and the Wreck is to be taken possession of, by the Coastguard (if any) on behalf of the Receiver.

235. Coastguard to seize Wreck washed out of stranded ship or aircraft and improperly dealt with.—The Coastguard have power under sections 514, 516, and 519 to secure possession of property washed ashore from a stranded ship or aircraft *at the time* of the Wreck and improperly dealt with by any person.

236. Receiver to fill up Form Wr. 6 and transmit it to Coastguard.—As regards steps to be taken in order to search for and seize *concealed* Wreck, Receivers of Wreck who are also Collectors of Customs and Excise are to fill up a Form Wr. 6 for each District Officer, Station Officer and Senior Coastguardsman and transmit it to him for use, should it be required, under paragraph 239. A fresh Form Wr. 6 is not necessary in each case. When one has been properly executed and transmitted to a member of the Coatsguard, it is to be acted on by him as a general authority to search for Wreck on behalf of the Receiver. It should not, however, be used for the purpose of obtaining a warrant when the owners or their agents of the property have no need of the Receiver's services, but desire the Coastguard to watch or guard the property on their behalf.

237. Coastguard to search for concealed Wreck.—When a member of the Coastguard has reason to suppose that Wreck is secreted, or is taken by some person who is not the owner thereof, he will act in accordance with the following instructions.

238. To send notice of concealed Wreck to Receiver.—A District Officer, Station Officer or Senior Coastguardsman will send to the Receiver of Wreck for the district notice that he has received information of Wreck being secreted, and of his intention to apply to the Justices for a search warrant. This notice should state briefly the names and addresses of the suspected person and the informant, and a short description of the property supposed to be concealed, with its value.

239. To apply to a Justice for a search warrant.—He will apply on behalf of the Receiver to a Justice of the Peace or to a Magistrate for a search warrant under section 537, and will show to such Justice or Magistrate the Form Wr. 6, previously executed by the Receiver, as mentioned in paragraph 236.

240. Wreck seized, how to be dealt with.—He will then, if necessary, obtain the assistance of the police, and proceed to make a diligent search of the suspected premises, and if Wreck is found, he will take possession of it, report it, and deal with it in the same manner as other Wreck is to be dealt with.

241. Wreck seized, to be reported to the Receiver.—Whenever Wreck, of any kind, is in any circumstances taken possession of by the Coastguard, a description thereof is to be entered on Form Wr. 10 by the Station Officer or Senior Coastguardsman, and a notice on Form Wr. 5 is at once to be sent to the Receiver of Wreck for the district. The Form Wr. 10 is to be retained by the Coastguard for information and reference.

242. Receiver to make entries, &c.—The Receiver will make the proper entries in his Report Book, and will give the notices required by sections 520 and 524.

243. Wreck generally to be disposed of by Receiver.—Transactions in respect of Wreck in the custody of the Coastguard, and its final disposal, will generally be undertaken by the Receiver, or by an Officer of Customs and Excise.

244. Coastguard to be guided by Receiver in all Wreck transactions.—As it may happen that the Coastguard will in some cases be required to dispose of Wreck, or to transact some business on account thereof for the Receiver, they should make themselves conversant with those parts of the Instructions relating to the payment of salvage and the disposal and restoration of Wreck. They will, however, in all such cases be guided by the directions of the Receiver, to whom all accounts, with full particulars in writing, and the proceeds of the sale of the property, are to be sent. The Receiver will include the transactions in his accounts with the Board of Trade.

245. Salvage not to be advanced by Coastguard.—Salvage is in no case to be advanced by the Coastguard except on the instructions of the Receiver.

Co-operation of the Constabulary in Northern Ireland.

246. Instructions have been issued to the Ulster Constabulary with respect to their duties at Wrecks, which are appended for the information of Receivers in Northern Ireland. See Appendix G.

247. Payments to Constabulary.—Members of the Constabulary will be paid for their services at Wrecks in accordance with the scale of subsistence allowances laid down in the Royal Ulster Constabulary Allowances Orders.

248. The above allowances will be granted irrespective of the distance travelled, and the actual expenses of conveyance to and from the Wreck will be paid in addition. Applications for repayment of the cost of conveyance must be accompanied by vouchers. (*See also* paragraph 117 as to recovery of allowances, &c.).

Fees and Remuneration.

249. Fees chargeable under the Act.—The fees and other remuneration payable to Receivers are determined by the Board of Trade under the powers given them by the Merchant Shipping Act, 1894, section 567, and Schedule XX. The following charges are to be made in addition to actual expenses necessarily and properly incurred by the Receiver :—

(*a*) For every deposition or examination on oath under section 517 of the Act ... ... One pound.

When more than one deposition is taken the fee will be £2 in addition to the expenses, whatever may be the number taken.

(*b*) For every report sent to Lloyd's under section 520 of the Act ... ... Ten shillings.

(*c*) For "Wreck" taken into the custody of a Receiver ... A commission of five pounds per hundred pounds on the value thereof.

But the whole amount of percentage is not to exceed twenty pounds in any case.

Where any services are rendered by a Receiver in respect of any ship or boat in distress *not being Wreck*, or in respect of the cargo or articles belonging thereto, the following fees instead of percentage, viz. :—

(*d*) If the value of the ship or boat with her cargo equals or exceeds £600 ... Two pounds for the first day, and one pound for every subsequent day during which the Receiver is employed in the service.

(*e*) If the value of the ship or boat with her cargo is less than £600 ... Half the above charges.

Payments by Owners when services are rendered.—When any Receiver visits a Wreck, and besides taking the deposition actually renders services, all expenses and fees, if any, which may be due, are to be considered as a charge on the Wreck, and are to appear in the Report Book and Schedules accordingly, in the same manner as other charges of a similar nature.

250. Explanation of the fee of 10*s*. for reporting to Lloyd's.—The reports to Lloyd's (*see* paragraph 249, sub-paragraph *b*), for which the 10*s*. referred to in Schedule XX is to be charged, are reports of wreck taken into the custody of a Receiver, coming from any one vessel, and exceeding in the aggregate the value of £20 in however many different lots it may have been reported to the Receiver. (*See also* paragraph 121.)

251. Percentage on Wreck.—The commission of five per cent. on the value of "Wreck" in the custody of a Receiver (*see* paragraph 249, sub-paragrph *c*) is chargeable as under :—

On Wreck delivered into the custody of the Receiver under section 518.

On Wreck seized under section 537.

On derelicts delivered into the custody of a Receiver, whether to secure payment of salvage, to wait a claimant, or as a droit of the Crown. *See*, however, the limitation of this percentage in certain cases in which property is detained by the Receiver, paragraph 255.

In the case of dutiable articles this percentage should be charged upon the proceeds exclusive of the Customs duty.

Commission should not be charged upon Wreck handed over to the Receiver and subsequently found to belong to the Crown. Similarly no fees should be charged in respect of any services rendered by the Receiver to a vessel or aircraft belonging to His Majesty on or over the sea or tidal waters.

When Wreck is sold to the salvor for a net sum, i.e., on the basis of a waiver of his claim for salvage, the estimated gross value of the Wreck must be kept in mind as it is upon this figure that commission should be assessed. Normally the gross value would be the sum paid by the salvor plus an amount which the Receiver considers would have been a fair salvage award.

252. £20 to include percentage both on hull and cargo.—The sum of £20 to which this percentage is limited by Schedule XX includes the percentage both on the ship and cargo; or, in other words, £20 only is to be charged for ship and cargo, and not £20 for ship and £20 for cargo. Subject to the exception mentioned in the following paragraph the above rule holds good, whatever may have been the number of the vessels or persons engaged as salvors, provided the property salved forms part of the hull or cargo of the same ship, and is brought into the district of one Receiver.

This paragraph should be read as applying to aircraft wrecked on or over the sea or tidal waters.

253. Wreck spread over more than one district.—When part of the Wreck is washed or brought ashore in one Head Receiver's district, and part in the district of another Head Receiver, each Head Receiver is entitled to fees authorised by the Act, independently of the other; so that in this latter case as many distinct sets of fees may be charged as the number of Receivers in whose districts the parts of the Wreck are found or brought ashore by salvors.

254. Receivers not to claim percentage on property taken from a vessel or aircraft in distress, unless property is really abandoned.—Property taken from a vessel or aircraft on the sea or tidal waters in distress is not to be considered as derelict, for the purpose of giving the Receiver a claim to percentage, unless such property has been really abandoned by the master and crew, and is no longer in his or their possession or custody.

255. Fees on derelicts.—As in the generality of cases in which a derelict is delivered into the custody of a Receiver, he has but little trouble and does little more than place a man on board the

vessel, the charge of five per cent. commission allowed by the Act is in such cases too high for the services rendered. The Board of Trade have therefore determined that, except in cases of special trouble, which should always be first reported to the Mercantile Marine Department, Board of Trade, the commission to be charged on derelicts shall be limited to such a sum as would be charged for day fees for services in the case of vessels not being Wreck; viz., to a charge not exceeding £2 or £1 for the first day, and £1 or 10*s.* for each subsequent day, as the case may be (according to the value of the vessel and cargo), during which the Receiver is *actually employed* on service in connexion with the vessel. No fees should be charged in respect of those days on which the Receiver merely maintains his statutory control of the vessel. If the amount reckoned according to the rule, exceeds the amount of commission allowed by Schedule XX, the latter sum is to be charged. The same rule as regards fees is to be applied to vessels detained by the Receiver to secure a settlement of salvage claims and also to aircraft on the sea or tidal waters.

256. Fees for assisting ships in distress. Schedule XX.—The day fee payable to the Receiver for services rendered in respect of a ship in distress not being Wreck or the cargo or articles belonging thereto (*see* paragraph 249, sub-paragraphs *d* and *e*), is to be demanded only for such time as actual work is going on, such as getting the ship into port, taking out the cargo, or saving the stores. If the Receiver offers his assistance, and it is rejected by the master, no charge is to be made, unless in respect of any goods brought or washed ashore, which the Receiver takes possession of for the purpose of settling salvage claims or protecting the Customs' revenue.

257. Fees on Wreck taken possession of by a General Lighthouse Authority under s. 531.—Receivers should not charge any fees on Wreck which is taken possession of by a General Lighthouse Authority under the provisions of section 531.

258. Fees for copies of depositions furnished by Receivers.—Copies of depositions on Wr. 2 made before Receivers may be furnished by them to any parties applying for them at the charge of 3*s.* 6*d.* per copy of 250 words or under and 5*s.* per copy of over 250 words.

For each Form Wr. 52 supplied to Lloyd's Agents 3*d.* should be charged, but no charge should be made for the copies of Wr. 2 required to be sent to the Board of Trade and to Lloyd's.

259. Fees for valuations.—The fee to be charged for appointing a valuer, under section 551 is stated in paragraph 162.

260. No remuneration to be paid without authority of Board of Trade.—The Receiver is not to pay any remuneration for taking depositions or casualty returns until authority for such payment is forwarded from the Board of Trade.

261. Interpreter's Fee.—The fee to be paid to an interpreter for assisting a Receiver in taking depositions shall be 10*s.* 6*d.* for each deposition. The Receiver should be careful to acquaint the interpreter before engaging his services as to the fee to which he is entitled.

262. Fees taken by Receiver.—The fees received by Receivers must be credited in account with the Board of Trade, as mentioned in paragraph 280. In cases where such Officers are Officers of Customs and Excise, any applications for additional remuneration on account of Wreck and Salvage must be made to the Commissioner of Customs and Excise.

Expenses.

263. Travelling and personal expenses of Receivers and other Officers. Form Wr. 17-18.—When the duties of Receivers, members of the Coastguard, or, in Northern Ireland, the Ulster Constabulary, require them to proceed to a distance from home, travelling and subsistence expenses will be allowed in accordance with the authorised scales. (For scale authorised for Civilian Deputy Receivers see next paragraph). An account of such expense on Form Wr. 17-18, together with all available vouchers, is to be sent to the Board of Trade for approval through the Head Receiver as soon as possible after the service is completed or the journey has ended, and it will, if approved, be returned to the Receiver, who will then pay the amount out of any moneys in his hands, and bring the payment into the appropriate column of Schedule 10. In the case of claims made by the Coastguard, such claims should be approved by the District Officer by countersigning in section B of the Form which should then be sent to the Head Receiver who should complete section C and send the Form to the Assistant Secretary for Finance, Finance Department, Board of Trade. When the Claim has been approved by the Board, the Form will be returned to the Receiver if the expenses are recoverable and to the District Officer if the expenses are not recoverable, with directions as to payment. When the District Officer is authorised to make a payment he will be instructed to inform the Head Receiver when he has done so.

(*a*) Expenses, including rewards for reporting as mentioned in paragraph 26 and cost of telegrams, incurred in taking a deposition under section 517, or in rendering service to a Wreck or to a ship in distress, are to be recovered from the owner or master of the ship or his agent, and brought to account in Schedule 13, but the travelling expenses and subsistence allowances of members of the Coastguard, when acting in the capacity of professional Officers to Receivers of Wreck in the taking of depositions on Form Wr. 2, are not to be recovered from the ship, but will be borne by the Board of Trade.

(*b*) Expenses incurred on account of Wreck taken into the custody of the Receiver, or of a ship detained by him for payment of salvage, are to be considered as a charge on the property; and, if it is to be restored to the owner *unsold*, they are to be recovered from him before it is restored: but if the Wreck or other property is sold *by the Receiver*, they are to be deducted from the proceeds of the sale. These expenses, when recovered from owners, are to be brought to account in Schedule 13.

(*c*) Expenses, including rewards for reporting, subject to the approval of the Board of Trade, as mentioned in paragraphs 26 and 27, incurred in taking an Inq. 1 or Wr. 1 only, or in visiting a Wreck, or a ship in distress *when no services are rendered*, are *not* to be recovered from the owner or master of the ship.

(*d*) The expense incurred in obtaining a return on Wr. 1 or a deposition on Inq. 1 or Wr. 2 should not normally exceed 10*s*., but if a request has been received from the Board for a deposition to be taken an expenditure up to £2 may be incurred. Except in cases where the request for information is marked urgent, the instructions of the Head Receiver for the district should be obtained before action is taken, if it appears likely that the above limits will be exceeded.

Where the difficulties of access are great, or it is ascertained that the crew have left the vessel, or where it otherwise appears to the Head Receiver that the circumstances of the case do not justify the incurring of an expenditure exceeding 10*s*. or £2 respectively, action should be suspended and a report of the circumstances should be made to the Mercantile Marine Department, Board of Trade.

264. Civilian Deputy Receivers. Subsistence Allowances.—

	s.	*d.*
(*a*) Absent from home at a distance exceeding 5 miles and necessitating hiring of sleeping accommodation, per night covering a period up to 24 hours (vouchers to be furnished)	15	0
(*b*) Absent from home for a period of not less than 6 hours, including midnight, but not necessitating hiring of sleeping accommodation	10	6
(*c*) Absent from home for a period of not less than 6 hours, not including midnight, at a distance exceeding 5 miles	7	0
(*d*) Absent from home for a period of not less than 6 hours, at a distance of not less than 3 miles and not exceeding 5 miles	5	6

Travelling expenses.—In addition to the above subsistence allowances, actual out-of-pocket expenses incurred in travelling will be allowed within a reasonable limit. Vouchers should

always be furnished when motor-cars, &c., are hired. Third-class fare only will be allowed for journeys by rail.

265. Payment of expenses when Customs Officer sells Wreck on behalf of the Receiver.—When Wreck in the custody of the Coastguard, or at places where no Receiver has been appointed by the Board of Trade to act under the Head Receiver, has to be inspected by an Officer acting under the directions of the Commissioners of Customs and Excise for purposes connected with the Revenue, such Officer may in ordinary cases also act on behalf of the Receiver of Wreck by selling it and paying salvage in accordance with paragraphs 189 to 199. In such cases one-half of the Officer's expenses are to be charged to the Commissioners, and one-half to the Board of Trade, a statement being made on Form Wr. 17-18, at the end of the " Certificate by the claimant," that " a claim for a similar amount has been lodged with the Commissioners of Customs and Excise."

266. Payment for extra work by Coastguard.—If property has been protected by the Coastguard, and any question arises as to payment for their services, the Receiver is authorised to interfere to obtain a settlement in the same manner as in a question arising between salvors and owners.

267. Claims to be sent to Board of Trade. Form Wr. 17-18.—Whenever the Coastguard have been engaged in the protection or salvage of wrecked property, or in other duties entrusted to them by the Merchant Shipping Act, 1894, and these Instructions, and intend making a claim for remuneration, they should claim on Form Wr. 17-18.

The claim will be made as soon as possible after the service is rendered. If any delay takes place in sending in the claims, the Receiver may part with the property before he receives an order for payment. In that case the Board of Trade will have no funds out of which to make payment.

Attached to the claim should be a statement :—

(1). As to the *extra services* rendered (*see* paragraph 172).

(2.) As to the place where the property was lying at the time the services were rendered (*i.e.*, whether at the station or not).

If the Coastguard do not claim remuneration but are offered a gratuity in lieu thereof by the owner of the property or his agent, a statement of the services rendered and of the amount of the proposed gratuity should be included in Form Wr. 17-18 Across Division A of the Form should be written the words " No claim made for remuneration, but a gratuity of (*state the sum*) offered by owner " or " his agent " as the case may be. In every case the procedure laid down in paragraph 263 regarding claims on Form Wr. 17-18 should be followed, excepting that the claim should be submitted through the Inspector.

Payments of money due to the Coastguard are in all cases to be made by the owner, agent or master to the Receiver and not to the Coastguard direct. The money will be held by the Receiver until he receives directions to hand it over to the Coastguard.

268. Expenses of Officers of Coastguard when making preliminary inquiries.—In ordinary cases when a preliminary inquiry is instituted by an Inspector or District Officer of Coastguard, under section 465, and paragraphs 17 and 18, without special instructions from the Board of Trade, he will be paid subsistence and travelling allowances at the usual rates.

269. Fee for nautical assistance.—Nautical assistance in taking depositions, when necessary, should be obtained from members of the Coastguard whenever possible or, if no member of the Coastguard is available from one of the Board's nautical surveyors, no extra remuneration being payable for this work. When, however, neither a member of the Coastguard nor one of the Board's nautical surveyors is available and the Receiver finds it necessary to obtain the assistance of a person having nautical experience, not being in the service of the Crown, a fee of 7*s.* 6*d.* will be paid for assisting to take each deposition, whether on Wr. 2. or Inq. 1., subject to a maximum payment of 15*s.* in respect of each vessel.

270. Expenses of prosecutions and formal inquiries to be submitted to Solicitor before payment.—All expenses, other than those provided for in Appendix H., attendant on prosecutions and on formal inquiries into Wrecks in pursuance of the Merchant Shipping Act, 1894, are to be submitted for the approval of the Solicitor to the Board of Trade.

271. Double value to be claimed in certain cases of prosecution. s. 518.—In prosecutions under section 518 when double value is ordered to be paid, the Receiver should, in cases where the owner of the property is unknown, apply to the Justice's clerk, for the amount and bring it to account in Schedule 13.

Accounts and Returns.

272. Report Book to be kept by Receivers.—Every Receiver will keep a Report Book in the form marked Wr. 10 mentioned in Appendix B, in which he will enter all reports taken on Wr. 2, and every article of every description reported on Wr. 5 taken into his custody or into the custody of the Coastguard on his behalf, and will from time to time fill up the several columns as he is able. The reference numbers are to commence with No. 1 on the 1st of April in each year.

273. Estimated value of Wreck to be carefully inserted.—Great care should be taken in ascertaining the correct amount to be inserted in column 2. The value of the Wreck is to be con-

sidered in reference to the position in which it is placed, and other circumstances affecting the value. For instance, if an article of Wreck is lying on a beach difficult of access, at a distance from any convenient place of sale, or where few, if any, purchasers are likely to be found, it cannot be considered of the same value as if it were lying in an advantageous position. The sum which the property is likely to realise, and not its reputed or intrinsic value, is the sum to be inserted in column 2 as the estimated value.

274. Warrant to be given to salvor.—When the entries in columns 1 to 10 have been made in the Report Book, salvors should be given a " Salvor's Warrant " (Form Wr. 10a, *see* Appendix B) duly filled in by the Receiver. When several salvors are concerned in the salvage of one article, or one lot of articles, they should appoint one of themselves to receive payment of the salvage for all. This does not apply when the master of a vessel receives salvage for his crew; but if he receives salvage for a part only, the written appointment is required. When salvage is paid, the Receiver should obtain the receipt of the salvor on Form F16 which, if the amount be £2 or over, should bear the usual receipt stamp.

Column 7.—Great care should be taken in inserting these particulars correctly in order that the claims of the Lords of the Manors may be properly attended to. It should always be stated whether the property is or is not found floating. If floating, the Receiver should state :—1. How far from the land; 2. The state of the tide; 3. How brought ashore. If *not* floating—1. Whether it was high and dry; or, 2. Resting on the ground surrounded by water; or 3. Whether it was bumping, occasionally floating and occasionaliy resting on the ground, and always whether above or below *low* water mark of medium tides. (*See also* paragraph 217).

275. Transactions in respect of Wreck to be entered in the Report Book.—The columns Nos. 11 to 20, of the Report Book, are to be filled up as follows :—

Column 11.—In this column the charges due on the Wreck are to be entered.

Column 12.—In this column are to be entered the sums received as deposits and as repayments of charges.

Columns 13 *to* 16 are only to be filled in when Wreck is sold.

Columns 17 *to* 20, when the Wreck or proceeds of sale of Wreck are delivered or paid to the persons entitled to receive them.

276. Corner of leaf to be cut off.—On all the entries being closed, and the property or proceeds being accounted for, the corner of the top of the page is to be cut off in the direction of the printed diagonal line. The corners protruding will show what transactions are outstanding.

277. Books to be kept by Officers.—*The Report Book Wr.* 10 is to be kept by Receivers specially appointed by the Board of Trade, and by Officers of Customs and Excise and Station Officers and Senior Coastguardsmen, as directed in paragraph 241, who have not been specially appointed as Deputy Receivers, when they take possession of Wreck, and transact business in connexion therewith on account of a Receiver appointed under the Merchant Shipping Act, 1894.

278. Copy of entries in Report Book to be sent to Board of Trade and weekly Return of entries to be sent by Deputy Receiver to Head Receiver. Wr. 2, Wr. 5, Wr. 7, and Wr. 10.—Copies of entries, including Reports made on Wr. 2, in the Report Book are to be sent to the Finance Department, Board of Trade, *daily* on Form Wr. 5, by Deputy Receivers who are Officers of Customs and Excise, who will each week send to the Head Receiver a return on Form Wr. 7 of all Wreck taken into possession. In the case of Deputy Receivers who are not Officers of Customs and Excise, Form Wr. 5 should be sent to the Board through the local Receiver who is an Officer of Customs and Excise. The copies are to contain all particulars as they are from time to time entered in columns 1 to 7 inclusive, and 9 and 10 of Report Book Wr. 10, and are to be made up and transmitted to the Board of Trade on the day the entries are made.

279. Accounts to Owners, &c.—Where proceeds of sale are restored to owners, a copy of the account and the vouchers for charges and deductions may, if they require it, be rendered to them; but in all cases, whether the Wreck itself or whether the proceeds of sale are given up, the original vouchers must be sent to the Finance Department, Board of Trade, with the Account. A receipt must be taken on Form Wr. 24-25, which must be sent as a voucher with the accounts.

280. Account of sums received and paid.—All sums received and paid on account of Wreck are to be brought to account in Schedules 13 and 10, in which entries are to be made according to the printed headings. Remuneration for taking depositions on Wr. 2 should be entered under the appropriate reference numbers. Schedules 13 and 10 should be forwarded by Deputy Receivers at sub-ports to the Head Receiver for approval and transmission to Finance Department, Board of Trade.

281. Sums received and disbursed on account of each article of Wreck to be kept distinct.—As a debtor and creditor account is kept at the Board of Trade against the Wreck, entered under each separate reference number in the Receiver's Report Book, *he must enter separately and consecutively, according to the reference numbers throughout the Schedules* 13 *and* 10, *the receipts and disbursements in respect of EACH reference number.* The payments and receipts under these numbers for each year should be separately totalled and the total for each year shown on the back of the Schedules.

282. The only exception to the preceding rule will be when Wreck entered under *consecutive* numbers in the Report Book is salved by the same Salvors, and claimed by the same Owners, or restored or sold at the same time, and when the whole transaction is completed in one month.

283. Separate receipts to be taken for all payments in respect of separate articles.—Separate receipts should be taken for all payments in respect of Wreck entered under separate reference numbers, unless under circumstances similar to those stated in the preceding paragraph, when one receipt may be taken for payments on account of several consecutive numbers. When this is done, however, a statement must be made on the back of the receipt, showing the reference number of each article and the exact amount due or paid in respect of it. Whenever the sum paid amounts to £2 or upwards a receipt stamp must be affixed to the voucher.

284. Vouchers to accompany Schedule 10.—All vouchers relating to payments in respect of Wreck bearing the same reference number should be *tied* together and should accompany the Schedule 10, the reference number of the Wreck being endorsed on each voucher.

285. General expenses, how to be brought to account.—General expenses (such as postages and travelling expenses), if not chargeable on any property entered in the Report Book, are to be entered in lump sums in Schedule 10, but details and vouchers should be sent with the Schedule.

Fractional parts of a penny should not be brought into the Schedules.

286. Rules as to imprests and remittances. F. 2 and F. 3.—When a Receiver requires an imprest he should fill in the form marked F 2 (see Appendix B.) and send it to the Finance Department, Board of Trade. Remittances are to be made to the Cashier, Bank of England, London, to be placed to the credit of the General Deposit Account, and an advice on Form F 3 is to be sent by the Receiver to the Finance Department, Board of Trade, on the day previously to his making the remittance. Remittances are to be taken credit for in the account current *in the month in which they are made.*

287. Written authority necessary when one person receives money for another.—In all cases in which one person receives money or property for another, the written authority of the person who is entitled to the money or property for the other to receive it on his behalf must be procured, and is to be transmitted to the Board of Trade with the accounts. When a person signs with a mark only, his mark must be witnessed by a disinterested person other than the Receiver.

288. Cash books.—Those Receivers who are also Superintendents are to enter in their general cash book F 21 sums received

and paid on account of Wreck and Salvage in the columns provided for that purpose. Those Receivers who are not also Superintendents are to enter sums received and paid on account of Wreck and Salvage in the cash book provided for the purpose.

289. Accounts current. Schedules 10 and 13.—Receivers will enter in the general monthly account current rendered by them all sums received and disbursed on account of Wreck under the Schedules 13 and 10. Care must be taken that all transactions are accounted for in the month during which they occurred.

Stationery and Printed Forms.

290. Supplies to be obtained from Superintendent of Stores.—All printed forms and books required by Receivers of Wreck and members of the Coastguard in carrying these Instructions into effect can be obtained on application to the Superintendent of Stores, Board of Trade Offices, 133, East India Dock Road, London, E.14. The forms and books supplied by the Superintendent are those enumerated in the Order Book for Forms, and do not include circulars or instructions, which must be demanded as heretofore from the Mercantile Marine Department, Board of Trade.

291. Stationery for Customs Officers.—Collectors of Customs and Excise acting as Receivers of Wreck will be supplied with the stationery they may require in that capacity (other than the printed books) on making application in the usual manner to the Commissioners of Customs and Excise. No charge for stationery is to appear in the account with the Board of Trade.

292. Distribution of circulars and instructions.—The Board of Trade forward to Head Receivers of Wreck copies of each issue of instructions and circulars relating to wrecks, casualties, and salvage. The Board of Trade hold Head Receivers responsible for obtaining in each case a sufficient number of copies for themselves and their deputies.

Postage and Correspondence.

293. For the purpose of facilitating the despatch of business—

1. All letters and documents on the Public Service sent to and received from the Board of Trade and their Superintendent of Stores are free of postage; and if in any case postage is charged the envelopes are to be forwarded with a statement of the charges to the Board of Trade.

2. All communications sent to a Department of the Board of Trade by post should be addressed to an Assistant Secretary.

3. Letters are to be written on quarto or foolscap paper.

4. Replies to the Board of Trade should commence with a reference to the initial and the number of the letter from the Board of Trade.

5. The name of the office from which the communication is forwarded should be written legibly on the outside left-hand lower corner of the envelope or cover in which papers are forwarded, thus :—

O. H. M. S.

The Assistant Secretary,

_____ Department.
Board of Trade,

Receiver of Wreck,
London.

London, S.W.1.

APPENDICES.

N.B.—Sections omitted from these Appendices are either inapplicable or have been repealed.

APPENDIX A.

THE ADMIRALTY COURT ACT, 1861.

(24 & 25 Vict. Cap. 10.)

An Act to extend the Jurisdiction and improve the Practice of the High Court of Admiralty. [17*th May*, 1861.]

Whereas it is expedient to extend the Jurisdiction and improve the Practice of the High Court of Admiralty of *England:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Short Title.—This Act may be cited for all Purposes as "The Admiralty Court Act, 1861."

2. Interpretation of Terms.—In the Interpretation and for the Purposes of this Act (if not inconsistent with the Context or Subject) the following Terms shall have the respective Meanings herein-after assigned to them; that is to say,

"Ship" shall include any Description of Vessel used in Navigation not propelled by Oars:

"Cause" shall include any Cause, Suit, Action, or other Proceeding in the Court of Admiralty.

3. Commencement of Act.—This Act shall come into operation on the First day of *June* One thousand eight hundred and sixty-one.

4. As to claims for building, equipping, or repairing of Ships.—The High Court of Admiralty shall have Jurisdiction over any Claim for the building, equipping, or repairing of any Ship, if at the Time of the Institution of the Cause the Ship or the Proceeds thereof are under Arrest of the Court.

5. As to Claims for Necessaries supplied to Ships.—The High Court of Admiralty shall have Jurisdiction over any Claim for Necessaries supplied to any Ship elsewhere than in the Port to which the Ship belongs, unless it is shown to the Satisfaction of the Court that at the time of the Institution of the Cause any Owner or Part Owner of the Ship is domiciled in *England* or *Wales*: Provided always, that if in any such Cause the Plaintiff do not recover Twenty Pounds he shall not be entitled to any Costs, Charges, or Expenses incurred by him therein, unless the Judge shall certify that the Cause was a fit one to be tried in the said Court.

6. As to Claims for Damage to Cargo imported.—The High Court of Admiralty shall have Jurisdiction over any Claim by the Owner or Consignee or Assignee of any Bill of Lading of any Goods carried into any Port in *England* or *Wales* in any Ship, for Damage done to the Goods or any Part thereof by the Negligence or Misconduct of or for any Breach of Duty or Breach of Contract on the Part of the Owner, Master, or Crew of the Ship, unless it is shown to the Satisfaction of the Court that at the Time of the Institution of the Cause any Owner or Part Owner of the Ship is domiciled in *England* or *Wales:* Provided always, that if in any such Cause the Plaintiff do not recover Twenty Pounds he shall not be entitled to any Costs, Charges, or Expenses incurred by him therein, unless the Judge shall certify that the Cause was a fit one to be tried in the said Court.

7. As to Claims for Damage by Ships.—The High Court of Admiralty shall have Jurisdiction over any Claim for Damage done by any Ship.

8. As to Questions touching Ownership, &c., of Ships.—The High Court of Admiralty shall have Jurisdiction to decide all Questions arising between the Co-owners, or any of them, touching the Ownership, Possession, Employment, and Earnings of any Ship registered at any Port in *England* or *Wales* or any Share thereof, and may settle all Accounts outstanding and unsettled between the Parties in relation thereto, and may direct the said Ship or any Share thereof to be sold, and may make such Order in the Premises as to it shall seem fit.

10. As to Claims for Wages and for Disbursements by Master of a Ship.—The High Court of Admiralty shall have Jurisdiction over any Claim by a Seaman of any Ship for Wages earned by him on board the Ship, whether the same be due under a special Contract or otherwise, and also over any Claim by the Master of any Ship for Wages earned by him on board the Ship, and for Disbursements made by him on account of the Ship: Provided always, that if in any such Cause the Plaintiff do not recover Fifty Pounds, he shall not be entitled to any Costs, Charges, or Expenses incurred by him therein, unless the Judge shall certify that the Cause was a fit one to be tried in the said Court.

11. As to Claims in respect of Mortgages registered under 17 & 18 Vict. c. 104.—The High Court of Admiralty shall have Jurisdiction over any Claim in respect of any Mortgage duly registered according to the Provisions of "The Merchant Shipping Act, 1854," whether the Ship or the Proceeds thereof be under Arrest of the said Court or not.

13. Part IX.—Whenever any Ship or Vessel, or the Proceeds thereof, are under Arrest of the High Court of Admiralty, the said Court shall have the same Powers as are conferred upon the High Court of Chancery in *England* by the Ninth Part of "The Merchant Shipping Act, 1854."

14. Court to be a Court of Record.—The High Court of Admiralty shall be a Court of Record for all Intents and Purposes.

15. Decrees and Orders of Court of Admiralty to have effect of Judgments at Common Law, &c.—All Decrees and Orders of the High Court of Admiralty, whereby any Sum of Money, or any Costs, Charges, or Expenses, shall be payable to any Person, shall have the same Effect as Judgments in the Superior Courts of Common Law, and the Persons to whom any such Moneys, or Costs, Charges, or Expenses, shall be payable,

shall be deemed Judgment Creditors, and all Powers of enforcing Judgments possessed by the Superior Courts of Common Law, or any Judge thereof, with respect to Matters depending in the same Courts, as well against the Ships and Goods arrested as against the Person of the Judgment Debtor, shall be possessed by the said Court of Admiralty with respect to Matters therein depending; and all Remedies at Common Law possessed by Judgment Creditors shall be in like Manner possessed by Persons to whom any Moneys, Costs, Charges, or Expenses are by such Orders or Decrees of the said Court of Admiralty directed to be paid.

16. Proceedings where a Claim is made to Goods taken in Execution.—If any Claim shall be made to any Goods or Chattels taken in Execution under any Process of the High Court of Admiralty, or in respect of the Seizure thereof, or any Act or Matter connected therewith, or in respect of the Proceeds or Value of any such Goods or Chattels, by any Landlord for Rent, or by any Person not being the Party against whom the Process has issued the Registrar of the said Court may, upon Application of the Officer charged with the Execution of the Process, whether before or after any Action brought against such Officer, issue a Summons calling before the said Court both the Party issuing such Process and the Party making the Claim, and thereupon any Action which shall have been brought in any of Her Majesty's Superior Courts of Record, or in any local or inferior Court, in respect of such Claim, Seizure, Act, or Matter as aforesaid, shall be stayed, and the Court in which such Action shall have been brought, or any Judge thereof, on Proof of the Issue of such Summons, and that the Goods and Chattels were so taken in Execution, may order the Party bringing the Action to pay the Costs of all Proceedings had upon the Action after issue of the Summons out of the said Admiralty Court, and the Judge of the said Admiralty Court shall adjudicate upon the Claim, and make such Order between the Parties in respect thereof and of the Costs of the Proceedings as to him shall seem fit, and such Order shall be enforced in like Manner as any Order made in any suit brought in the said Court. Where any such Claim shall be made as aforesaid the Claimant may deposit with the Officer charged with the Execution of the Process either the Amount or Value of the Goods claimed, the Value to be fixed by Appraisement in case of the Dispute, to be by the Officer paid into Court to abide the Decision of the Judge upon the Claim, or the Sum which the Officer shall be allowed to charge as Costs for keeping Possession of the Goods until such Decision can be obtained, and in default of the Claimant so doing the Officer may sell the Goods as if no such Claim had been made, and shall pay into Court the Proceeds of the Sale, to abide the decision of the Judge.

17. Certain Powers of Superior Courts extended to Court of Admiralty.—The Judge of the High Court of Admiralty shall have all such Powers as are possessed by any of the Superior Courts of Common Law or any Judge thereof to compel either Party in any Cause or Matter to answer Interrogatories, and to enforce the Production, Inspection, and Delivery of Copies of any Document in his Possession or Power.

18. Party in Court of Admiralty may apply for an Order for Inspection by Trinity Masters, &c.—Any Party in a Cause in the High Court of Admiralty shall be at liberty to apply to the said Court for an Order for the Inspection by the Trinity Masters or others appointed for the Trial of the said Cause, or by the Party himself or his Witnesses, of any Ship or other Personal or Real Property, the Inspection of which may be material to the Issue of the Cause, and the Court may make such Order in respect of the Costs arising thereout as to it shall seem fit.

19. Admission of Documents.—Any Party in a Cause in the High Court of Admiralty may call on any other Party in the Cause by Notice in Writing to admit any Document, saving all just exceptions, and in Case of Refusal or Neglect to admit, the Costs of proving the Documents shall be paid by the Party so neglecting or refusing, whatever the Result of

the cause may be unless at the Trial the Judge shall certify that the Refusal to admit was reasonable.

20. Power of Court in certain cases when Personal Service of Citation has not been effected, to order Parties to proceed.—Whenever it shall be made to appear to the Judge of the High Court of Admiralty that reasonable efforts have been made to effect personal Service of any Citation, Monition, or other Process issued under Seal of the said Court, and either that the same has come to the knowledge of the Party thereby cited or monished, or that he wilfully evades Service of the same, and has not appeared thereto, the said Judge may order that the Party on whose behalf the Citation, Monition, or other Process was issued be at liberty to proceed as if personal Service had been effected, subject to such Conditions as to the Judge may seem fit, and all Proceedings thereon shall be as effectual as if personal Service of such Citation, Monition, or other Process had been effected.

21. Service of Writ of Subpœna in Scotland or Ireland.—The Service in any Part of *Great Britain* or *Ireland* of any Writ of Subpœna ad testificandum or Subpœna duces tecum, issued under Seal of the High Court of Admiralty, shall be as effectual as if the same had been served in *England* or *Wales*.

22. Power to issue new Writs or other Process.—Any new Writ or other Process necessary or expedient for giving Effect to any of the Provisions of this Act may be issued from the High Court of Admiralty in such Form as the Judge of the said Court shall from Time to Time direct.

23. Judge and Registrar to have same Powers as to Arbitration as Judges and Masters at Common Law.—All the Powers possessed by any of the Superior Courts of Common Law or any Judge thereof, under the Common Law Procedure Act, 1854, and otherwise, with regard to References to Arbitration, Proceedings thereon, and the enforcing of Awards of Arbitrators, shall be possessed by the Judge of the High Court of Admiralty in all Causes and Matters depending in the said Court, and the Registrar of the said Court of Admiralty shall possess as to such Matters the same Powers as are possessed by the Masters of the said Superior Courts of Common Law in relation thereto.

25. Powers of Registrar and of Deputy or Assistant Registrar.—The Registrar of the High Court of Admiralty may exercise, with reference to Causes and Matters in the said Court, the same Powers as any Surrogate of the Judge of the said Court sitting in Chambers might or could have heretofore lawfully exercised; and all Powers and Authorities by this or any other Act conferred upon or vested in the Registrar of the said High Court of Admiralty may be exercised by any Deputy or Assistant Registrar of the said Court.

26. Registrar may administer oaths—False swearing, &c.—Perjury.—The Registrar of the said Court of Admiralty shall have Power to administer Oaths in relation to any Cause or Matter depending in the said Court; and any Person who shall wilfully depose or affirm falsely in any Proceeding before the Registrar or before any Deputy or Assistant Registrar of the said Court, or before any Person authorised to administer Oaths in the said Court, shall be deemed to be guilty of Perjury, and shall be liable to all the Pains and Penalties attaching to wilful and corrupt Perjury.

27. Qualification of Registrar and Assistant Registrar, &c.—Any Advocate, Barrister-at-Law, Proctor, Attorney, or Solicitor of Ten Years standing may be appointed Registrar or Assistant or Deputy Registrar of the said Court.

28. Qualification of Examiners.—Any Advocate, Barrister-at-Law, Proctor, Attorney, or Solicitor may be appointed an Examiner of the High Court of Admiralty.

32. Power of Appeal for interlocutory Matters.—Any Party aggrieved by any order or Decree of the Judge of the said Court of Admiralty, whether made *ex parte* or otherwise, may, with the Permission of the Judge, appeal therefrom to Her Majesty in Council, as fully and effectually as from any final Decree or Sentence of the said Court.

33. Bail may be taken in the Court of Admiralty for the Court of Appeal, &c.—In any Cause in the High Court of Admiralty Bail may be taken to answer the Judgment as well of the said Court as of the Court of Appeal, and the said High Court of Admiralty may withhold the Release of any Property under its Arrest until such Bail has been given; and in any Appeal from any Decree or Order of the High Court of Admiralty the Court of Appeal may make and enforce its Order against the Surety or Sureties who may have signed any such Bail Bond in the same Manner as if the Bail had been given in the Court of Appeal.

34. Hearing of Cross Causes.—The High Court of Admiralty may, on the Application of the Defendant in any Cause of Damage, and on his instituting a Cross Cause for the Damage sustained by him in respect of the same Collision, direct that the Principal Cause and the Cross Cause be heard at the same Time and upon the same Evidence; and if in the Principal Cause the Ship of the Defendant has been arrested or Security given by him to answer Judgment, and in the Cross Cause the Ship of the Plaintiff cannot be arrested, and Security has not been given to answer Judgment therein, the Court may, if it think fit, suspend the Proceedings in the Principal Cause until Security has been given to answer Judgment in the Cross Cause.

35. Jurisdiction in rem or personam.—The Jurisdiction conferred by this Act on the High Court of Admiralty may be exercised either by Proceedings in rem or by Proceedings in personam.

LARCENY ACT, 1861.

(24 & 25 Vict. Cap. 96.)

64. Stealing from Ship in Distress or wrecked.—Whosoever shall plunder or steal any Part of any Ship or Vessel which shall be in Distress, or wrecked, stranded, or cast on shore, or any Goods, Merchandise, or Articles of any kind belonging to such Ship or Vessel, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement; and the Offender may be indicted and tried either in the County or Place in which the Offence shall have been committed or in any County or Place next adjoining.

65. Persons in possession of shipwrecked Goods not giving a satisfactory account.—If any Goods, Merchandise, or Articles of any kind, belonging to any Ship or Vessel in Distress, or wrecked, stranded, or cast on shore, shall be found in the Possession of any Person or on the Premises of any Person with his knowledge, and such Person, being taken or summoned before a Justice of the Peace, shall not satisfy the Justice that he came lawfully by the same, then the same shall, by Order of the Justice, be forthwith delivered over to or for the Use of the rightful Owner thereof; and the Offender shall, on Conviction of such Offence before the Justice, at the Discretion of the Justice, either be committed to the Common Gaol or House of Correction there to be imprisoned only, or to be imprisoned and kept to Hard Labour, for any Term not exceeding Six Months, or else shall forfeit and pay, over and above the Value of the Goods, Merchandise, or Articles, such sum of Money not exceeding Twenty Pounds as to the Justices shall seem meet.

66. If any Person offers shipwrecked Goods for Sale, the Goods may be seized, &c.—If any Person shall offer or expose for Sale any Goods, Merchandise, or Articles whatsoever, which shall have been unlawfully taken, or shall be reasonably suspected so to have been taken, from any Ship or Vessel in Distress, or wrecked, stranded, or cast on shore, in every such Case any Person to whom the same shall be offered for Sale, or any Officer of the Customs or Excise, or Peace Officer, may lawfully seize the same, and shall with all convenient Speed carry the same or give notice of such Seizure, to some Justice of the Peace; and if the Person who shall have offered or exposed the same for Sale, being summoned by such Justice, shall not appear and satisfy the Justice that he came lawfully by such Goods, Merchandise, or Articles, then the same shall, by Order of the Justice, be forthwith delivered over to or for the Use of the rightful Owner thereof upon Payment of a reasonable Reward (to be ascertained by the Justice) to the Person who seized the same; and the Offender shall, on Conviction of such Offence by the Justice, at the Discretion of the Justice, either be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to Hard Labour, for any Time not exceeding Six Months, or else shall forfeit and pay, over and above the Value of the Goods, Merchandise, or Articles, such Sum of Money not exceeding Twenty Pounds as to the Justice shall seem meet.

68. Embezzlement by Clerks or Servants.—Whosoever, being a Clerk or Servant, or being employed for the Purpose or in the Capacity of a Clerk or Servant, shall fraudulently embezzle any Chattel, Money, or valuable Security which shall be delivered to or received or taken into Possession by him for or in the Name or on the Account of his Master or Employer, or any Part thereof, shall be deemed to have feloniously stolen the same from his Master or Employer, although such Chattel, Money, or Security was not received into the Possession of such Master or Employer otherwise than by the actual Possession of his Clerk, Servant, or other Person so employed, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement, and, if a Male under the Age of Sixteen Years, with or without Whipping.

COUNTY COURTS ADMIRALTY JURISDICTION ACT, 1868.

(31 & 32 Vict. Cap. 71.)

3. Extent of Admiralty Jurisdiction of County Courts.—Any County Court having Admiralty Jurisdiction shall have Jurisdiction and all Powers and Authorities relating thereto, to try and determine, subject and according to the Provisions of this Act, the following Causes (in this Act referred to as Admiralty Causes):

(1.) As to any Claim for Salvage—Any Cause in which the Value of the Property saved does not exceed One thousand Pounds, or in which the Amount claimed does not exceed Three hundred Pounds:

(2.) As to any Claim for Towage, Necessaries, or Wages—Any Cause in which the Amount claimed does not exceed One Hundred and fifty Pounds:

(3.) As to any Claim for Damage to Cargo, or Damage by Collision—Any Cause in which the Amount claimed does not exceed Three hundred Pounds:

(4.) Any Cause in respect of any such Claim or Claims as aforesaid, but in which the Value of the Property saved or the amount claimed is beyond the Amount limited as above mentioned, when the Parties agree by a Memorandum signed by them or by their Attorneys or Agents that any County Court having Admiralty Jurisdiction, and specified in the Memorandum, shall have Jurisdiction.

9. Restrictions in Proceedings in the Court of Admiralty or at Superior Court which might be taken in a County Court.—If any Person shall take in the High Court of Admiralty of *England* or in any Superior Court Proceedings which he might, without Agreement, have taken in a County Court, except by Order of the Judge of the High Court of Admiralty or of such Superior Court or of a County Court having Admiralty Jurisdiction, and shall not recover a Sum exceeding the Amount to which the Jurisdiction of the County Court in that Admiralty Cause is limited by this Act, and also if any Person without Agreement shall, except by Order as aforesaid, take Proceedings as to Salvage in the High Court of Admiralty or in any Superior Court in respect of Property saved, the Value of which when saved does not exceed One thousand Pounds, he shall not be entitled to Costs, and shall be liable to be condemned in Costs, unless the Judge of the High Court of Admiralty or of a Superior Court before whom the Cause is tried or heard shall certify that it was a proper Admiralty Cause to be tried in the High Court of Admiralty of *England* or in a Superior Court.

MERCHANT SHIPPING ACT, 1894.

(57 & 58 Vict. Cap. 60.)

PART I.

Obligation to register British Ships.

2. Obligation to Register British ships.—(1.)Every British ship shall, unless exempted from registry, be registered under this Act.

(2.) If a ship required by this Act to be registered is not registered under this Act she shall not be recognised as a British ship.

(3.) A ship required by this Act to be registered may be detained until the master of the ship, if so required, produces the certificate of the registry of the ship.

3. Exemptions from registry.—The following ships are exempted from registry under this Act:—

(1.) Ships not exceeding fifteen tons burden employed solely in navigation on the rivers or coasts of the United Kingdom, or on the rivers or coasts of some British possession within which the managing owners of the ships are resident;

(2.) Ships not exceeding thirty tons burden and not having a whole or fixed deck, and employed solely in fishing or trading coastwise on the shores of Newfoundland or parts adjacent thereto, or in the Gulf of Saint Lawrence, or on such portions of the coasts of Canada as lie bordering on that gulf.

PART II.

MASTERS AND SEAMEN.

Certificates of Competency.

92. Certificates of competency to be held by officers of ships.—(1.) Every British foreign-going ship and every British home trade passenger ship, when going to sea from any place in the United Kingdom, and every foreign steamship carrying passengers between places in the United Kingdom, shall be provided with officers duly certificated under this Act according to the following scale:—

(*a*) In any case with a duly certificated master:

(*b*) If the ship is of one hundred tons burden or upwards, with at least one officer besides the master holding a certificate not lower than that of only mate in the case of a foreign-going ship, or of mate in the case of a home trade passenger ship:

(*c*) If the ship is a foreign-going ship, and carries more than one mate, with at least the first and second mate duly certificated:

(*d*) If the ship is a foreign-going steamship of one hundred nominal horse-power or upwards, with at least two engineers, one of whom shall be a first-class and the other a first-class or second-class engineer duly certificated:

(*e*) If the ship is a foreign-going steamship of less than one hundred nominal horse-power, or a sea-going home trade passenger steamship, with at least one engineer who is a first-class or second-class engineer duly certificated.

(2.) If any person—

(*a*) having been engaged as one of the above-mentioned officers goes to sea as such officer without having been duly certificated; or

(*b*) employs a person as an officer, in contravention of this section, without ascertaining that the person so serving is duly certificated,

that person shall be liable for each offence to a fine not exceeding fifty pounds.

(3.) An officer shall not be deemed duly certificated within the meaning of this section unless he is the holder for the time being of a valid certificate of competency under this Act of a grade appropriate to his station in the ship, or of a higher grade.

Rights of Seamen in respect of Wages.

155. Right to wages, &c., when to begin.—A seaman's right to wages and provisions shall be taken to begin either at the time at which he commences work or at the time specified in the agreement for his commencement of work or presence on board whichever first happens.

156. Right to recover wages, and salvage not to be forfeited.—(1.) A seaman shall not by any agreement forfeit his lien on the ship, or be deprived of any remedy for the recovery of his wages, to which in the absence of the agreement he would be entitled, and shall not by any agreement abandon his right to wages in case of the loss of the ship, or abandon any right that he may have or obtain in the nature of salvage; and every stipulation in any agreement inconsistent with any provision of this Act shall be void.

(2.) Nothing in this section shall apply to a stipulation made by the seamen belonging to any ship, which according to the terms of the agreement is to be employed on salvage service, with respect to the remuneration to be paid to them for salvage services to be rendered by that ship to any other ship.

163. Restriction on sale of, and charge upon wages.—(1.) As respects wages due or accruing to a seaman or apprentice to the sea service—

(*a*) They shall not be subject to attachment or arrestment from any court;

(*b*) an assignment or sale thereof made prior to the accruing thereof shall not bind the person making the same:

(*c*) a power of attorney or authority for the receipt thereof shall not be irrevocable; and

(*d*) a payment of wages to the seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of those wages, or any attachment, incumbrance, or arrestment thereof.

(2.) Nothing in this section shall affect the provisions of this Act with respect to allotment notes.

Protection of Seamen from Imposition.

212. Assignment or sale of salvage invalid.—Subject to the provisions of this Act an assignment or sale of salvage payable to a seaman or apprentice to the sea service made prior to the accruing thereof shall not bind the person making the same; and a power of attorney or authority for the receipt of any such salvage shall not be irrevocable.

Provisions as to Discipline.

220. Misconduct endangering life or ship.—If a master, seaman, or apprentice belonging to a British ship, by wilful breach of duty or by neglect of duty or by reason of drunkenness,—

(*a*) does any act tending to the immediate loss, destruction, or serious damage of the ship, or tending immediately to endanger the life or limb of a person belonging to or on board the ship; or

(*b*) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board the ship from immediate danger to life or limb,

he shall in respect of each offence be guilty of a misdemeanor.

PART III.*

PASSENGER AND EMIGRANT SHIPS.

1. Definitions.

Definition of Passenger Steamer and Passenger.

267. Definition of "passenger" and "passenger steamer."—For the purposes of this Part of this Act—

The expression "passenger" shall include any person carried in a ship other than the master and crew, and the owner, his family and servants; and

The expression "passenger steamer" shall mean every British steamship carrying passengers to, from, or between any places in the United Kingdom, except steam ferry boats working in chains (commonly called steam bridges) and shall include every foreign steamship (whether originally proceeding from a port in the United Kingdom or from a port out of the United Kingdom) which carries passengers to or from any place or between any places in the United Kingdom. (M.S. Act, 1906, s. 13.)

Passengers landed or embarked by means of tenders.—Where a passenger steamer takes on board passengers from a tender, or lands passengers by means of a tender, she shall be deemed to be taking the passengers on board from, or landing the passengers at, the port from or to which the tender comes or goes, and passengers conveyed in a tender to or from a ship from or to a place in the United Kingdom shall for the purposes of Part III. of the principal Act, and for the purposes of any returns to be made under the Merchant Shipping Acts, be deemed to be passengers carried from or to a place in the United Kingdom (M.S. Act, 1906, s. 15).

Definition of Emigrant Ship, &c.

268. "Emigrant ship," &c., to which Part applies.—For the purposes of this Part of this Act, unless the context otherwise requires—

(1.) The expression "emigrant ship" shall mean every sea-going ship whether British or foreign, and whether or not conveying mails, carrying, upon any voyage to which the provisions of this Part of this Act respecting emigrant ships apply, more than fifty steerage passengers or a greater number of steerage passengers than in the proportion—

(*a*) if the ship is a sailing ship, of one statute adult to thirty-three tons of the ship's registered tonnage; and

(*b*) if the ship is a steam ship of one statute adult to every twenty tons of the ship's registered tonnage; and

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* As amended by the Merchant Shipping Act, 1906.

includes a ship, which having proceeded from a port outside the British Islands, takes on board at any port in the British Islands such number of steerage passengers whether British subjects or Aliens resident in the British Islands, as would either with or without the steerage passengers which she already has on board, constitute her an emigrant ship;

(2.) The expression "statute adult" shall mean a person of the age of twelve years or upwards, and two persons between the ages of one and twelve years shall be treated as one statute adult;

(3.) (M.S. Act, 1906, s. 14.) The expression "steerage passenger" shall mean all passengers except cabin passengers, and persons shall not be deemed cabin passengers unless—

(*a*) the space allotted to their exclusive use is in the proportion of at least thirty-six clear superficial feet to each statute adult; and

(*b*) the fare contracted to be paid by them amounts to at least the sum of twenty-five pounds for the entire voyage or is in the proportion of at least sixty-five shillings for every thousand miles of the length of the voyage; and

(*c*) they have been furnished with a duly signed contract ticket in the form prescribed by the Board of Trade for cabin passengers;

(4.) The expression "steerage passage" shall include passages of all passengers except cabin passengers;

(5.) The expression "upper passenger deck" shall mean and include the deck immediately beneath the upper deck, or the poop or round house and deck house when the number of passengers, whether cabin or steerage passengers, carried in the poop, deck, or round house, exceeds one third of the total number of steerage passengers which the ship can lawfully carry on the deck next below;

(6.) The expression "lower passenger deck" shall mean and include the deck next beneath the upper passenger deck not being an orlop deck.

General Equipment of Passenger Steamers.

285. Equipment of passenger steamers with compasses, hose, deck shelters, and safety appliances.—(1.) A sea-going passenger steamer shall have her compasses properly adjusted from time to time, to the satisfaction of the shipwright surveyor and according to such regulations as may be issued by the Board of Trade.

(2.) A sea-going passenger steamer shall be provided with a hose capable of being connected with the engines of the steamer, and adapted for extinguishing fire in any part of the steamer.

(3.) A home trade passenger steamer shall be provided with such shelter for the protection of deck passengers (if any) as the Board of Trade, having regard to the nature of the passage, the number of deck passengers to be carried, the season of the year, the safety of the ship, and the circumstances of the case, require.

(4.) A passenger steamer shall be provided with a safety valve on each boiler, so constructed as to be out of the control of the engineer when the steam is up, and, if the safety valve is in addition to the ordinary valve, so constructed as to have an area not less, and a pressure not greater, than the area of and pressure on the ordinary valve.

(5.) If a passenger steamer plies or goes to sea from a port in the United Kingdom without being equipped as required to this section, then, for each matter in which default is made, the owner (if in default) shall be liable to a fine not exceeding one hundred pounds, and the master (if in default) shall be liable to a fine not exceeding fifty pounds.

286. Prohibition of increasing weight on safety valve.—A person shall not increase the weight on the safety valve of a passenger steamer beyond

the limits fixed by the surveyor, and, if he does so, he shall, in addition to any other liability he may incur by so doing, be liable for each offence to a fine not exceeding one hundred pounds.

PART IV.

Fishing Boats.

370. Definitions.—In this Part of this Act, unless the context otherwise requires—

"*Fishing boat.*"—The expression "fishing boat" means a vessel of whatever size, and in whatever way propelled, which is for the time being employed in sea fishing or in the sea-fishing service, but save as otherwise expressly provided, that expression shall not include a vessel used for catching fish otherwise than for profit.

"*Second hand.*"—The expression "second hand" means with respect to a fishing boat, the mate or person next to the skipper in authority or command on board the boat.

"*Voyage.*"—The expression "voyage" shall mean a fishing trip commencing with a departure from a port for the purpose of fishing and ending with the first return to a port thereafter upon the conclusion of the trip, but a return due to distress only shall not be deemed to be a return, if it is followed by a resumption of the trip.

372. Extent of Part IV.—This Part of this Act shall not, except where otherwise expressly provided, apply to Scotland, or to any British possession.

(I) *Provisions applying to all Fishing Boats and to the whole Fishing Service.*

The following sections shall apply to all fishing boats and the whole fishing service:—

Fishing Boats Register.

373. Registry of British fishing boat.—(1.) This section shall apply to the British Islands, and to all British fishing boats, including those used otherwise than for profit, and the expression "fishing boat" in this section shall be construed accordingly.

(2.) Subject to any exemptions made by the regulations under this section every fishing boat shall be lettered and numbered and have official papers, and shall for that purpose be entered in the fishing boat register.

(3.) If a fishing boat required to be so entered is not so entered, she shall not be entitled to any of the privileges or advantages of a British fishing boat, but all obligations, liabilities, and penalties with reference to that boat, and the punishment of offences committed on board her, or by any persons belonging to her, and the jurisdiction of officers and courts, shall be the same as if the boat were actually so entered.

(4.) If a fishing boat required to be entered in the fishing boat register is not so entered, and is used as a fishing boat, the owner and skipper of such boat shall each be liable, for each offence, to a fine not exceeding twenty pounds, and the boat may be detained.

(5.) Her Majesty, by Order in Council, may make regulations for carrying into effect and enforcing the entry of fishing boats in the fishing boat register, and any convention with a foreign country relative to the registry, lettering, and numbering of fishing boats, which is for the time being in force by virtue of any statute, and may by such regulations—

(*a*) adopt any existing system of registry or lettering and numbering of boats, and provide for bringing any such system into conformity with the requirements of this Act and of any such convention, and the regulations; and

(*b*) define the boats or classes of boats to which the regulations or any of them are to apply, and provide for the exemption of any boats or classes of boats from the provisions of this section, and from the regulations or any of them; and

(*c*) apply to the entry of fishing boats in the fishing boat register, and to all matters incidental thereto, such (if any) of the enactments contained in this or any other Act relating to the registry of British ships, and with such modifications and alterations as may be found desirable; and

(*d*) impose fines not exceeding twenty pounds for the breach of any such regulations which cannot be punished by the application of any of those enactments.

(6.) Section twenty-six of the Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45), and sections eleven to fourteen of the Sea Fisheries Act, 1883, (46 & 47 Vict. c. 22), shall apply in like manner as if those sections referred to this section and an Order in Council made thereunder, in substitution for sections twenty-two to twenty-four of the Sea Fisheries Act, 1868, and any Order in Council made under those sections.

(7.) Section one hundred and seventy-six of the Customs Consolidation Act, 1876 (39 & 40 Vict. c. 36), shall not apply to any fishing boat entered in the fishing boat register in pursuance of this Act.

375. Rules as to boats and lifebuoys of fishing boats.—(1.) A fishing boat entered in the fishing boat register, whether used for profit or not, shall not proceed to sea from any port in the United Kingdom—

(*a*) if she is decked, unless she is provided according to her tonnage with boats duly supplied with all requisites for use, and not being fewer in number nor less in their cubic contents than is in that behalf specified in the Fifteenth Schedule to this Act for the class to which the fishing boat belongs; and

(*b*) if she carries more than ten passengers, unless she is, in addition to the above boats, provided with two life-buoys and provided either with a lifeboat furnished with all requisites for use, or has one of her boats rendered buoyant after the manner of a lifeboat; and such boats and life-buoys shall be kept so as to be at all times fit and ready for use.

(2.) In any of the following cases—

(*a*) if any such fishing boat proceeds to sea without being provided with such boats or life-buoys; or

(*b*) if any such boat or life-buoy is lost or rendered unfit for service in the course of the voyage through the wilful fault or negligence of the owner or skipper; or

(*c*) if in case of any such boat or life-buoy being accidently lost or injured in the course of the voyage the skipper fails without reasonable cause to replace or repair the same on the first opportunity; or

(*d*) if any such boat or life-buoy is not kept so as to be at all times fit and ready for use;

then, if the owner appears to be in fault, he shall for each offence be liable to a fine not exceeding one hundred pounds, and if the skipper appears to be in fault, he shall for each offence be liable to a fine not exceeding fifty pounds.

(3.) A fishing boat required under this section to be provided with boats and life-buoys may be detained until she is duly so provided.

Provisions as to Deaths, Injuries, Ill-treatment, Punishments, and Casualties in Fishing Boats.

385. Record and report of death, injury, ill-treatment, punishment, casualties, &c.—(1.) The skipper of a fishing boat shall keep a record of the following occurrences, namely—

(i) of every death, injury, ill-treatment, or punishment of any member of his boat's crew while at sea of any person on board his boat, and

(ii) of every casualty to his fishing boat or any boat belonging to her.

(2.) The skipper shall produce the record so kept to any superintendent when required by him, and shall also send the same to the superintendent at the port to which the boat belongs at such periods as the Board of Trade require by any directions endorsed on the forms approved by them.

(3.) If any such occurrence has happened in the case of a fishing boat, the skipper of the boat shall make to the superintendent at the port where his boat's voyage ends, within twenty-four hours of the boat's arrival at that port, a report of the occurrence.

(4.) The record and report under this section shall be in such form and contain such particulars as the Board of Trade require.

(5.) If a skipper fails without reasonable cause to comply with any requirement of this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

386. Inquiry as to death, injury, ill-treatment, punishment, &c.—(1.) Where any such occurrence as in the last preceding section mentioned happens or is supposed to have happened, the superintendent at or nearest to the port at which the fishing boat arrives after the occurrence, or to which the boat belongs, may inquire into the cause and particulars of the occurrence, and, if a report as to the occurrence is made to him in pursuance of the said section, may make on the report an endorsement either that in his opinion the particulars in the report are true, or otherwise to such effect as in his opinion his information warrants.

(2.) For the purpose of the inquiry, a superintendent shall have all the powers of a Board of Trade inspector under this Act.

(3.) If in the course of the inquiry it appears to the superintendent that any such occurrence as aforesaid has been caused or was accompanied by violence or the use of any improper means, he shall report the matter to the Board of Trade, and shall also, if the emergency of the case in his opinion so requires, take immediate steps for bringing the offender to justice, and may for that purpose, if in his discretion he thinks it necessary, cause him to be arrested and hereafter dealt with in due course of law.

Certificates of Skippers and Second Hands.

413. Skippers and second hands to hold certificate of competency.—(1.) A fishing boat, being a trawler of twenty-five tons tonnage or upwards shall not go to sea from any port of England or Ireland unless provided with a duly certificated skipper and a duly certificated second hand.

(2.) If a boat goes to sea contrary to this section, the owner thereof shall for each offence be liable to a fine not exceeding twenty pounds.

(3.) If any person, except in case of necessity—

(*a*) having been engaged to serve as skipper or second hand of a fishing boat, being a trawler of twenty-five tons tonnage and upwards, serves as skipper or second hand of that boat without being duly certificated; or

(*b*) employs any person as skipper or second hand of such a boat without ascertaining that he is duly certificated;

that person shall for each offence be liable to a fine not exceeding twenty pounds.

(4.) A skipper or second hand shall not be deemed duly certificated for the purpose of this section unless he holds a certificate under this Part of this Act appropriate to his station in the boat or to a higher station.

(5.) Where the skipper of such a boat is absent from his boat a superintendent may, on the request of the owner of the boat, and on being satisfied that the absence is due to an unavoidable cause, authorise the

second hand of the boat to act, for a period not exceeding one month, as the skipper of the boat during the skipper's absence, and the second hand when acting under that authority shall for the purpose of this section be deemed to be a duly certificated skipper.

Conveyance of Fish from Trawlers.

417. Board of Trade Regulations as to conveyance of fish from trawlers.—(1.) The Board of Trade, on the application of any owners of a fleet of fishing boats, or of any association of owners of fishing boats, or of any persons having the charge or command of a fleet of fishing boats, or without such application if the person or association entitled to make the application fails after request by the Board of Trade to do so, may make such regulations respecting the conveyance of fish from fishing boats catching fish as trawlers to vessels engaged in collecting and carrying fish to port, as may appear to the Board expedient for preventing loss of life, or danger to life or limb.

All regulations so made shall be laid for thirty days before both Houses of Parliament while in session, and shall not come into force till the expiration of those thirty days; and if either House within those thirty days resolves that the whole or any part of the regulations laid before them ought not to be in force, the same shall not have any force, without prejudice, nevertheless, to the making of any other regulation in its place.

(3.) All regulations made under this section shall, whilst in force, have effect as if enacted in this Act.

(4.) If any person to whom such a regulation applies fails without reasonable cause to comply therewith, he shall for each offence be liable to a fine not exceeding ten pounds.

(5.) This section shall apply to fishing boats of whatever tonnage.

PART V.

Safety.

Prevention of Collisions.

418. Collision regulations.—(1.) Her Majesty may, on the joint recommendations of the Admiralty and the Board of Trade, by Order in Council, make regulations for the prevention of collisions at sea, and may thereby regulate the lights to be carried and exhibited, the fog signals to be carried and used, and the steering and sailing rules to be observed, by ships, and those regulations (in this Act referred to as the collision regulations), shall have effect as if enacted in this Act.

(2.) The Collision regulations, together with the provisions of this Part of this Act relating thereto, or otherwise relating to collisions, shall be observed by all foreign ships within British jurisdiction, and in any case arising in a British court concerning matters arising within British jurisdiction foreign ships shall, so far as respects the collision regulations and the said provisions of this Act, be treated as if they were British ships.

419. Observance of collision regulations.—(1.) All owners and masters of ships shall obey the collision regulations and shall not carry or exhibit any other lights, or use any other fog signals, than such as are required by those regulations.

(2.) If an infringement of the collision regulations is caused by the wilful default of the master or owner of the ship, that master or owner shall in respect of each offence, be guilty of a misdemeanor.

(3.) If any damage to person or property arises from the non-observance by any ship of any of the collision regulations, the damage shall be deemed to have been occasioned by the wilful default of the person in charge of the deck of the ship at the time, unless it is shown to the satisfaction of the court that the circumstances of the case made a departure from the regulation necessary.

(5.) The Board of Trade shall furnish a copy of the collision regulations to any master or owner of a ship who applies for it.

421. Saving for local rules of navigation in harbours, &c.—(1.) Any rules made before or after the passing of this Act under the authority of any local Act, concerning lights and signals to be carried, or the steps for avoiding collision to be taken, by vessels navigating the waters of any harbour, river, or other inland navigation, shall, notwithstanding anything in this Act, have full effect.

(2.) Where any such rules are not and cannot be made, Her Majesty in Council on the application of any person having authority over such waters, or, if there is no such person, any person interested in the navigation thereof, may make such rules, and those rules shall, as regards vessels navigating the said waters, be of the same force as if they were part of the collision regulations.

422. Duty of vessel to assist the other in case of collision.—(1.) In every case of collision between two vessels, it shall be the duty of the master or person in charge of each vessel, if and so far as he can do so without danger to his own vessel, crew, and passengers (if any).

(*a*) to render to the other vessel her master, crew, and passengers (if any) such assistance as may be practicable, and may be necessary to save them from any danger caused by the collision, and to stay by the other vessel until he has ascertained that she has no need of further assistance, and also

(*b*) to give to the master or person in charge of the other vessel the name of his own vessel and of the port to which she belongs, and also the names of the ports from which she comes and to which she is bound.

(3.) If the master or person in charge fails without reasonable cause to comply with this section, he shall be guilty of a misdemeanor, and, if he is a certificated officer, an inquiry into his conduct may be held, and his certificate cancelled or suspended.

423. Collisions to be entered in official log.—(1.) In every case of collision, in which it is practicable so to do, the master of every ship shall immediately after the occurrence cause a statement thereof, and of the circumstances under which the same occurred, to be entered in the official log-book (if any), and the entry shall be signed by the master, and also by the mate or one of the crew.

(2.) If the master fails to comply with this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

424. Application of collision regulations to foreign ships.—Whenever it is made to appear to Her Majesty in Council that the Government of any foreign country is willing that the collision regulations or the provisions of this part of this Act relating thereto or otherwise relating to collisions, or any of those regulations or provisions should apply to the ships of that country when beyond the limits of British jurisdiction, Her Majesty may, by Order in Council, direct that those regulations and provisions shall, subject to any limitation of time, conditions, and qualifications contained in the Order, apply to the ships of the said foreign country, whether within British jurisdiction or not, and that such ships shall for the purpose of such regulations and provisions be treated as if they were British ships.

Report of Accidents and Loss of Ship.

425. Report to Board of Trade of accidents to steam ships.—(1.) When a steamship has sustained or caused any accident occasioning loss of life or any serious injury to any person, or has received any material damage affecting her seaworthiness or her efficiency either in her hull or any part of her machinery, the owner or master shall, within twenty-four hours after the happening of the accident or damage, or as soon thereafter as possible, transmit to the Board of Trade, by letter signed by the owner or

master, a report of the accident or damage, and of the probable occasion thereof, stating the name of the ship, her official number (if any), the port to which she belongs, and the place where she is.

(2.) If the owner or master of a steamship fails without reasonable cause to comply with this section, he shall for each offence be liable to a fine not exceeding fifty pounds.

(3.) This section shall apply to all British ships, and to all foreign steamships carrying passengers between places in the United Kingdom.

426. Notice of loss of British ship to be given to the Board of Trade.—(1.) If the managing owner or, in the event of there being no managing owner, the ship's husband, of any British ship has reason, owing to the non-appearance of the ship or to any other circumstance, to apprehend that the ship has been wholly lost, he shall, as soon as conveniently may be, send to the Board of Trade notice in writing of the loss and of the probable occasion thereof, stating the name of the ship, her official number (if any), and the port to which she belongs.

(2.) If a managing owner or ship's husband fails without reasonable cause to comply with this section within a reasonable time, he shall for each offence be liable to a fine not exceeding fifty pounds.

Life Saving Appliances.

428. Duties of owners and masters as to carrying life-saving appliances.—It shall be the duty of the owner and master of every British ship to see that his ship is provided, in accordance with the rules for life-saving appliances, with such of those appliances as, having regard to the nature of the service on which the ship is employed, and the avoidance of undue encumbrance of the ship's deck, are best adapted for securing the safety of her crew and passengers.

General Equipment.

432. Adjustment of compasses and provision of hose.—(1.) Every British sea-going steamship if employed to carry passengers, shall have her compasses properly adjusted from time to time; and every British sea-going steamship not used wholly as a tug shall be provided with a hose capable of being connected with the engines of the ship, and adapted for extinguishing fire in any part of the ship.

(2.) If any such British sea-going steamship plies or goes to sea from any port in the United Kingdom and any requirement of this section is not complied with, then for each matter in which default is made, the owner (if in fault) shall be liable to a fine not exceeding one hundred pounds, and the master (if in fault) shall be liable to a fine not exceeding fifty pounds.

433. Placing undue weight on safety valve.—A person shall not place an undue weight on the safety valve of any steamship, and if he does so he shall, in addition to any other liability he may incur by so doing, be liable for each offence to a fine not exceeding one hundred pounds.

Signals of Distress.

434. Signals of distress.—(1.) Her Majesty in Council may make rules as to what signals shall be signals of distress, and the signals fixed by those rules shall be deemed to be signals of distress.

(2.) If a master of a vessel uses or displays, or causes or permits any person under his authority to use or display, any of those signals of distress, except in the case of a vessel being in distress, he shall be liable to pay compensation for any labour undertaken, risk incurred, or loss sustained in consequence of that signal having been supposed to be a signal of distress, and that compensation may, without prejudice to any other remedy, be recovered in the same manner in which salvage is recoverable.

Draught of Water and Load-Line.

436. Ship's draught of water to be recorded.—(1.) The Board of Trade may, in any case or class of cases in which they think it expedient to do so, direct any person appointed by them for the purpose to record, in such manner and with such particulars as they direct, the draught of water of any sea-going ship, as shown on the scale of feet on her stem and stern post, and the extent of her clear side in feet and inches, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea, and the person so appointed shall thereupon keep that record, and shall forward a copy thereof to the Board of Trade.

(2.) That record or copy, if produced out of the custody of the Board of Trade, shall be admissible in evidence in manner provided by this Act.

(3.) The master of every British sea-going ship shall, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea, record her draught of water and the extent of her clear side in the official log-book (if any) and shall produce the record to any chief officer of customs whenever required by him, and if he fails without reasonable cause to produce the record shall for each offence be liable to a fine not exceeding twenty pounds.

(4.) The master of a sea-going ship shall, upon the request of any person appointed to record the ship's draught of water, permit that person to enter the ship and to make such inspections and take such measurements as may be requisite for the purpose of the record; and if any master fails to do so, or impedes, or suffers anyone under his control to impede, any person so appointed in the execution of his duty, he shall for each offence be liable to a fine not exceeding five pounds.

(5.) In this section the expression "clear side" means the height from the water to the upper side of the plank of the deck from which the depth of hold as stated in the register is measured, and the measurement of the clear side is to be taken at the lowest part of the side.

Carriage of Grain.

452. Obligation to take precautions to prevent grain cargo from shifting.—(1.) Where a grain cargo is laden on board any British ship all necessary and reasonable precautions (whether mentioned in this Part of this Act or not) shall be taken in order to prevent the grain cargo from shifting.

(2.) If those precautions have not been taken in the case of any British ship, the master of the ship and any agent of the owner who was charged with the loading of the ship or the sending of her to sea, shall each be liable to a fine not exceding three hundred pounds, and the owner of the ship shall also be liable to the same fine, unless he shows that he took all reasonable means to enforce the observance of this section, and was not privy to the breach thereof.

453. Precautions against shifting of grain cargo laden in port in Mediterranean or Black Sea or on coast of North America.—(1.) Where a British ship laden with a grain cargo at any port in the Mediterranean or Black Sea is bound to ports outside the Straits of Gibraltar, or where a British ship is laden with a grain cargo on the coast of North America, the precautions to prevent the grain cargo from shifting, set out in the Eighteenth Schedule to this Act, shall be adopted, unless the ship is loaded in accordance with regulations for the time being approved by the Board of Trade, or is constructed and loaded in accordance with any plan approved by the Board of Trade.

(2.) If this section is not complied with in the case of any ship, reasonable precautions to prevent the grain cargo of that ship from shifting shall be deemed not to have been taken, and the owner and master of the ship and any agent charged with loading her or sending her to sea shall be liable accordingly to a fine under this Part of this Act.

(3.) Nothing in this section shall exempt a person from any liability, civil or criminal, to which he would otherwise be subject for failing to adopt any reasonable precautions which, although not mentioned in this section, are reasonably required to prevent grain cargo from shifting.

454. Notice by master of kind and quantity of grain cargo.—(1.) Before a British ship laden with grain cargo at any port in the Mediterranean or Black Sea and bound to ports outside the Straits of Gibraltar, or laden with grain cargo on the coast of North America, leaves her final port of loading, or within forty-eight hours after leaving that port, the master shall deliver or cause to be delivered to the British consular officer, or, if the port is in a British possession, to the chief officer of Customs, at that port, a notice stating—

(*a*) the draught of water and clear side, as defined by this Part of this Act, of the said ship after the loading of her cargo has been completed at the said final port of loading; and

(*b*) the following particulars in respect to the grain cargo; namely,

(i) the kind of grain and the quantity thereof, which quantity may be stated in cubic feet, or in quarters, or bushels, or in tons weight; and

(ii) the mode in which the grain cargo is stowed; and

(iii) the precautions taken against shifting.

(2.) The master shall also deliver a similar notice to the proper officer of customs in the United Kingdom, together with the report required to be made by the Customs Consolidation Act, 1876 (39 & 40 Vict. c. 36), on the arrival of the ship in the United Kingdom.

(3.) Every such notice shall be sent to the Board of Trade, as soon as practicable, by the officer receiving the same.

(4.) If the master fails to deliver any notice required by this section, or if in any such notice he wilfully makes a false statement or wilfully omits a material particular, he shall for each offence be liable to a fine not exceeding one hundred pounds.

(5.) The Board of Trade may, by notice published in the London Gazette, or in such other way as the Board think expedient, exempt ships laden at any particular port or any class of those ships from this section.

455. Power of Board of Trade for enforcing provisions as to carriage of grain.—For securing the observance of the provisions of this Part of this Act with respect to grain cargo, any officer having authority in that behalf from the Board of Trade, either general or special, shall have power to inspect any grain cargo, and the mode in which the same is stowed, and for that purpose shall have all the powers of a Board of Trade inspector under this Act.

456. Definition of grain, &c.—For the purpose of the provisions of this Part of this Act with respect to grain cargo—

The expression "grain" means any corn, rice, paddy, pulse, seeds, nuts, or nut kernels.

The expression "ship laden with a grain cargo" means a ship carrying a cargo of which the portion consisting of grain is more than one-third of the registered tonnage of the ship, and that third shall be computed, where the grain is reckoned in measures of capacity, at the rate of one hundred cubic feet for each ton of registered tonnage, and where the grain is reckoned in measures of weight, at the rate of two tons weight for each ton of registered tonnage.

Unseaworthy Ships.

459. Power to detain unsafe ships, and procedure for detention.—(1.) Where a British ship, being in any port in the United Kingdom, is an unsafe ship, that is to say, is by reason of the defective condition of her hull, equipments, or machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life,

having regard to the nature of the service for which she is intended, such ship may be provisionally detained for the purpose of being surveyed, and either finally detained or released as follows:—

(*a*) The Board of Trade, if they have reason to believe, on complaint or otherwise, that a British ship is unsafe, may order the ship to be provisionally detained as an unsafe ship for the purpose of being surveyed.

(*b*) When a ship has been provisionally detained there shall be forthwith served on the master of the ship a written statement of the grounds of her detention, and the Board of Trade may, if they think fit, appoint some competent person or persons to survey the ship and report thereon to the Board.

(*c*) The Board of Trade on receiving the report may either order the ship to be released or, if in their opinion the ship is unsafe, may order her to be finally detained, either absolutely, or until the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo, as the Board think necessary for the protection of human life, and the Board may vary or add to any such order.

(*d*) Before the order for final detention is made a copy of the report shall be served upon the master of the ship, and within seven days after that service the owner or master of the ship may appeal to the court of survey for the port or district where the ship is detained in manner directed by the rules of that court.

(*e*) Where a ship has been provisionally detained, the owner or master of the ship, at any time before the person appointed under this section to survey the ship makes that survey, may require that he shall be accompanied by such person as the owner or master may select out of the list of assessors for the court of survey, and in that case if the surveyor and assessor agree, the Board of Trade shall cause the ship to be detained or released accordingly, but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the like appeal touching the report of the surveyor as is before provided by this section.

(*f*) Where a ship has been provisionally detained, the Board of Trade may at any time, if they think it expedient, refer the matter to the court of survey for the port or district where the ship is detained.

(*g*) The Board of Trade may at any time, if satisfied that a ship detained under this section is not unsafe, order her to be released either upon or without any conditions.

(2.) Any persons appointed by the Board of Trade for the purpose (in this Act referred to as a detaining officer) shall have the same power as the Board have under this section of ordering the provisional detention of a ship for the purpose of being surveyed, and of appointing a person or persons to survey her; and if he thinks that a ship so detained by him is not unsafe may order her to be released.

(3.) A detaining officer shall forthwith report to the Board of Trade any order made by him for the detention or release of a ship.

(4.) An order for the detention of a ship, provisional or final, and an order varying the same, shall be served as soon as may be on the master of the ship.

(5.) A ship detained under this section shall not be released by reason of her British register being subsequently closed.

(6.) The Board of Trade may with the consent of the Treasury appoint fit persons to act as detaining officers under this section, and may remove any such officer; and a detaining officer shall be paid such salary or remuneration (if any) out of money provided by Parliament as the Treasury direct, and shall for the purpose of his duties have all the powers of a Board of Trade inspector under this Act.

(7.) A detaining officer and a person authorised to survey a ship under this section shall for that purpose have the same power as a person appointed by a court of survey to survey a ship, and the provisions of this Act with respect to the person so appointed shall apply accordingly.

*462. **Application to foreign ships of provisions as to detention.**—Where a foreign ship has taken on board all or any part of her cargo at a port in the United Kingdom, and is whilst at that port unsafe by reason of overloading or improper loading, the provisions of this Part of this Act with respect to the detention of ships shall apply to that foreign ship as if she were a British ship, with the following modifications:—

(i) A copy of the order for the provisional detention of the ship shall be forthwith served on the consular officer for the country to which the ship belongs at or nearest to the said port;

(ii) Where a ship has been provisionally detained, the consular officer, on the request of the owner or master of the ship, may require that the person appointed by the Board of Trade to survey the ship shall be accompanied by such person as the consular officer may select, and in that case, if the surveyor and that person agree, the Board of Trade shall cause the ship to be detained or released accordingly, but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the like appeal to a court of survey touching the report of the surveyor as is herein-before provided in the case of a British ship; and

(iii) Where the owner or master of the ship appeals to the Court of survey, the consular officer, on his request, may appoint a competent person to be assessor in the case in lieu of the assessor who, if the ship were a British ship, would be appointed otherwise than by the Board of Trade.

PART VI.

Special Shipping Inquiries and Courts.

Inquiries and Investigations as to Shipping Casualties.

464. Shipping casualties.—For the purpose of inquiries and investigations under this Part of this Act a shipping casualty shall be deemed to occur—

(1.) When on or near the coasts of the United Kingdom any ship is lost, abandoned, or materially damaged;

(2.) When on or near the coasts of the United Kingdom any ship has been stranded or damaged, and any witness is found in the United Kingdom;

(3.) When on or near the coasts of the United Kingdom any ship causes loss or material damage to any other ship;

(4.) When any loss of life ensues by reason of any casualty happening to or on board any ship on or near the coasts of the United Kingdom;

(5.) When in any place any such loss, abandonment, material damage, or casualty as above mentioned occurs, and any witness is found in the United Kingdom;

(6.) When in any place any British ship is stranded or damaged, and any witness is found in the United Kingdom;

(7.) When any British ship is lost or is supposed to have been lost, and any evidence is obtainable in the United Kingdom as to the circumstances under which she proceeded to sea or was last heard of.

465. Preliminary inquiry into shipping casualties.—(1.) Where a shipping casualty has occurred a preliminary inquiry may be held respecting the casualty by the following persons; namely,—

(*a*) Where the shipping casualty occurs on or near the coasts of the United Kingdom, by the inspecting officer of the coastguard or chief

* *See also* Sections 2 and 6 of the Merchant Shipping Act, 1906, pages 137 and 138.

officer of customs residing at or near the place at which the casualty occurs; or

(*b*) Where the shipping casualty occurs elsewhere by the inspecting officer of the coastguard or chief officer of customs residing at or near any place at which the witnesses with respect to the casualty arrive or are found or can be conveniently examined; or

(*c*) In any case by any person appointed for the purpose by the Board of Trade.

(2.) For the purpose of any such inquiry the person holding the same shall have the powers of a Board of Trade inspector under this Act.

466. Formal investigation of shipping casualties. (1.) A person authorised as aforesaid to make a preliminary inquiry shall in any case where it appears to him requisite or expedient (whether upon a preliminary inquiry or without holding such an inquiry) that a formal investigation should be held, and in any case where the Board of Trade so directs, apply to a court of summary jurisdiction to hold a formal investigation, and that court shall thereupon hold the formal investigation.

(2.) A wreck commissioner appointed under this Act shall at the request of the Board of Trade hold any formal investigation into a shipping casualty under this section, and any reference to the court holding an investigation under this section includes a wreck commissioner holding such an investigation.

(3.) The court holding any such formal investigation shall hold the same with the assistance of one or more assessors of nautical, engineering, or other special skill or knowledge, to be appointed out of a list of persons for the time being approved for the purpose by a Secretary of State in such manner and according to such regulations as may be prescribed by rules made under this Part of this Act with regard thereto.

(4.) Where a formal investigation involves or appears likely to involve any question as to the cancelling or suspension of the certificate of a master, mate, or engineer, the court shall hold the investigation with the assistance of not less than two assessors having experience in the merchant service.

(5.) It shall be the duty of the person who has applied to a court to hold a formal investigation to superintend the management of the case, and to render such assistance to the court as is in his power.

(6.) The court after hearing the case shall make a report to the Board of Trade containing a full statement of the case and of the opinion of the court thereon, accompanied by such report of, or extracts from, the evidence, and such observations as the court think fit.

(7.) Each assessor shall either sign the report or state in writing to the Board of Trade his dissent therefrom and the reasons for that dissent.

(8.) The court may make such order as the court think fit respecting the costs of the investigation, or any part thereof, and such order shall be enforced by the court as an order for costs under the Summary Jurisdiction Acts.

(9.) The Board of Trade may, if in any case they think fit so to do, pay the costs of any such formal investigation.

(10.) For the purposes of this section the court holding a formal investigation shall have all the powers of a court of summary jurisdiction when acting as a court in exercise of their ordinary jurisdiction.

(11.) Every formal investigation into a shipping casualty shall be conducted in such manner that if a charge is made against any person, that person shall have an opportunity of making a defence.

(12.) Formal investigations into shipping casualties under this section shall be held in some town hall, assize or county court, or public building, or in some other suitable place to be determined according to rules made under this Part of this Act with regard thereto, and, unless no other suitable place is in the opinion of the Board of Trade available, shall not be held in a court ordinarily used as a police court, and all enactments relating to the court shall for the purposes of the investigation have effect

as if the place at which the court is held were a place appointed for the exercise of the ordinary jurisdiction of the court.

(13.) Where an investigation is to be held in Scotland, the Board of Trade may remit the same to the Lord Advocate to be prosecuted in such manner as he may direct.

468. Inquiry in case of loss of life from fishing vessel's boat.—When any loss of life arises by reason of any casualty happening to or on board any boat belonging to a fishing vessel, the Board of Trade may, if they think fit, cause an inquiry to be made or a formal investigation to be held as in the case of a shipping casualty, and the provisions of this Act relating thereto shall apply accordingly.

Power as to Certificates of Officers, &c.

469. Power of Board of Trade as to certificate.—The Board of Trade may suspend or cancel the certificate of any master, mate, or engineer if it is shown that he has been convicted of any offence.

470. Power of court of investigation or inquiry as to certificates.—(1.) The certificate of a master, mate, or engineer may be cancelled or suspended—

(*a*) by a court holding a formal investigation into a shipping casualty under this Part of this Act, or by a naval court constituted under this Act, if the court find that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default, provided that, if the court holding a formal investigation is a court of summary jurisdiction, that court shall not cancel or suspend a certificate unless one at least of the assessors concurs in the finding of the court.

(*b*) by a court holding an inquiry under this Part of this Act into the conduct of a master, mate, or engineer, if they find that he is incompetent, or has been guilty of any gross act of misconduct, drunkenness, or tyranny, or that in a case of collision he has failed to render such assistance or give such information as is required under the Fifth Part of this Act:

(*c*) by any naval or other court where under the powers given by this Part of this Act the holder of the certificate is superseded or removed by that court.

(2.) Where any case before any such court as aforesaid involves a question as to the cancelling or suspending of a certificate, that court shall, at the conclusion of the case or as soon aferwards as possible, state in open court the decision to which they have come with respect to the cancelling or suspending thereof.

(3.) The court shall in all cases send a full report on the case with the evidence to the Board of Trade, and shall also, if they determine to cancel or suspend any certificate, send the certificate cancelled or suspended to the Board of Trade with their report.

(4.) A certificate shall not be cancelled or suspended by a court under this section, unless a copy of the report, or a statement of the case on which the investigation or inquiry has been ordered, has been furnished before the commencement of the investigation or inquiry to the holder of the certificate.

471. Inquiry into conduct of certificated officer.—(1.) If the Board of Trade, either on the report of a local marine board or otherwise, have reason to believe that any master, mate, or certificated engineer is from incompetency or misconduct unfit to discharge his duties, or that in a case of collision he has failed to render such assistance or give such information as is required under the Fifth Part of this Act, the Board may cause an inquiry to be held.

(2.) The Board may either themselves appoint a person to hold the inquiry or direct the local marine board at or nearest the place at which it

is convenient for the parties or witnesses to attend to hold the same, or where there is no local marine board before which the parties and witnesses can conveniently attend, or the local marine board is unwilling to hold the inquiry, may direct the inquiry to be held before a court of summary jurisdiction.

(3.) Where the inquiry is held by a local marine board, or by a person appointed by the Board of Trade, that board or person—

(*a*) shall hold the inquiry, with the assistance of a local stipendiary magistrate, or if there is no such magistrate available, of a competent legal assistant appointed by the Board of Trade; and

(*b*) shall have all the powers of a Board of Trade inspector under this Act; and

(*c*) shall give any master, mate, or engineer against whom a charge is made an opportunity of making his defence either in person or otherwise, and may summon him to appear; and

(*d*) may make such order with regard to the costs of the inquiry as they think just; and

(*e*) shall send a report upon the case to the Board of Trade.

(4.) Where the inquiry is held by a court of summary jurisdiction, the inquiry shall be conducted and the results reported in the same manner, and the court shall have the like powers, as in the case of a formal investigation into a shipping casualty under this part of this Act; provided that, if the Board of Trade so direct, it shall be the duty of the person who has brought the charge against the master, mate, or engineer, to the notice of the Board of Trade to conduct the case, and that person shall in that case, for the purpose of this Act, be deemed to be the party having the conduct of the case.

472. Removal of master by Admiralty Court.—(1.) Any of the following courts; namely,—

In England and Ireland the High Court,
In Scotland the Court of Session,
Elsewhere in Her Majesty's dominions any colonial court of Admiralty or Vice-Admiralty Court,

may remove the master of any ship within the jurisdiction of that court, if that removal is shown to the satisfaction of the court by evidence on oath to be necessary.

(2.) The removal may be made upon the application of any owner of the ship or his agent, or of the consignee of the ship, or of any certificated mate, or of one third or more of the crew of the ship.

(3.) The court may appoint a new master instead of the one removed; but, where the owner, agent, or consignee of the ship is within the jurisdiction of the court, such an appointment shall not be made without the consent of that owner, agent, or consignee.

(4.) The court may also make such order and require such security in respect of the costs of the matter as the court thinks fit.

473. Delivery of certificate cancelled or suspended.—(1.) A master, mate, or engineer, whose certificate is cancelled or suspended by any court or by the Board of Trade shall deliver his certificate—

(*a*) if cancelled or suspended by a court to that court on demand:

(*b*)) if not so demanded, or if it is cancelled or suspended by the Board of Trade, to that Board, or as that Board direct.

(2.) If a master, mate, or engineer fail to comply with this section, he shall, for each offence, be liable to a fine not exceeding fifty pounds.

474. Power of Board of Trade to restore certificate.—The Board of Trade may, if they think that the justice of the case requires it, re-issue and return the certificate of a master, mate, or engineer which has been cancelled or suspended, whether in the United Kingdom, or in a British possession, or shorten the time for which it is suspended, or grant in place thereof a certificate of the same or any lower grade.

Supplemental Provisions as to Investigations and Inquiries.

476. Investigations before stipendiary magistrate.—(1.) Where a stipendiary magistrate is in any place a member of the local marine board, a formal investigation at that place into a shipping casualty shall, whenever he happens to be present, be held before that stipendiary magistrate.

(2.) There shall be paid out of the Mercantile Marine Fund to the stipendiary magistrate, if he is not remunerated out of money provided by Parliament under this Act, such remuneration by way of an annual increase of salary, or otherwise, as a Secretary of State, with the consent of the Board of Trade, may direct.

PART IX.

Wreck and Salvage.

Vessels in Distress.

510. Definition of "wreck" and "salvage."—In this Part of this Act, unless the context otherwise requires—

(1.) The expression "wreck" includes jetsam, flotsam, lagan, and derelict found in or on the shores of the sea or any tidal water:

(2.) The expression "salvage" includes all expenses, properly incurred by the salvor in the performance of the salvage services.

511. Duty of receiver where vessel in distress.—(1.) Where a British or foreign vessel is wrecked, stranded, or in distress at any place on or near the coasts of the United Kingdom, or any tidal water within the limits of the United Kingdom, the receiver of wreck for the district in which that place is situate shall, upon being made acquainted with the circumstance, forthwith proceed there, and upon his arrival shall take the command of all persons present, and shall assign such duties and give such directions to each person as he thinks fit for the preservation of the vessel and of the lives of the persons belonging to the vessel (in this Part of this Act referred to as shipwrecked persons) and of the cargo and apparel of the vessel.

(2.) If any person wilfully disobeys the direction of the receiver, he shall for each offence be liable to a fine not exceeding fifty pounds; but the receiver shall not interfere between the master and the crew of the vessel in reference to the management thereof, unless he is requested to do so by the master.

512. Powers of the receiver in case of vessels in distress.—(1.) The receiver may, with a view to such preservation as aforesaid of shipwrecked persons or of the vessel, cargo, or apparel—

(*a*) require such persons as he thinks necessary to assist him:

(*b*) require the master, or other person having the charge, of any vessel near at hand to give such aid with his men, or vessel, as may be in his power:

(*c*) demand the use of any waggon, cart, or horses that may be near at hand.

(2.) If any person refuses without reasonable cause to comply with any such requisition or demand, that person shall, for each refusal, be liable to a fine not exceeding one hundred pounds; but a person shall not be liable to pay any duty in respect of any such waggon, cart, or horses, by reason only of the use of the same under this section.

513. Power to pass over adjoining lands.—(1.) Whenever a vessel is wrecked, stranded, or in distress as aforesaid, all persons may, for the purpose of rendering assistance to the vessel, or of saving the lives of the shipwrecked persons, or of saving the cargo or apparel of the vessel, unless there is some public road equally convenient, pass and repass, either with or without carriages or horses, over any adjoining lands without being subject to interruption by the owner or occupier, so that they do as little damage as possible, and may also, on the like condition, deposit on those lands any cargo or other article recovered from the vessel.

(2.) Any damage sustained by an owner or occupier in consequence of the exercise of the rights given by this section shall be a charge on the vessel, cargo, or articles in respect of or by which the damage is occasioned, and the amount payable in respect of the damage shall, in case of dispute, be determined and shall, in default of payment, be recoverable in the same manner as the amount of salvage is under this Part of this Act determined or recoverable.

(3.) If the owner or occupier of any land—

(*a*) impedes or hinders any person in the exercise of the rights given by this section by locking his gates, or refusing, upon request, to open the same, or otherwise; or

(*b*) impedes or hinders the deposit of any cargo or other article recovered from the vessel as aforesaid on the land; or

(*c*) prevents or endeavours to prevent any such cargo or other article from remaining deposited on the land for a reasonable time until it can be removed to a safe place of public deposit;

he shall for each offence be liable to a fine not exceeding one hundred pounds.

514. Power of receiver to suppress plunder and disorder by force.—(1.) Whenever a vessel is wrecked, stranded, or in distress as aforesaid, and any person plunders, creates disorder, or obstructs the preservation of the vessel or of the shipwrecked persons or of the cargo or apparel of the vessel, the receiver may cause that person to be apprehended.

(2.) The receiver may use force for the suppression of any such plundering, disorder, or obstruction, and may command all Her Majesty's subjects to assist him in so using force.

(3.) If any person is killed, maimed, or hurt by reason of his resisting the receiver or any person acting under the orders of the receiver in the execution of the duties by this part of this Act committed to the receiver, neither the receiver nor the person acting under his orders shall be liable to any punishment, or to pay any damages by reason of the person being so killed, maimed, or hurt.

515. Liability for damage in case of a vessel plundered.—Where a vessel is wrecked, stranded, or in distress as aforesaid, and the vessel or any part of the cargo and apparel thereof, is plundered, damaged, or destroyed by any person riotously and tumultuously assembled together, whether on shore or afloat, compensation shall be made to the owner of the vessel, cargo, or apparel:

In England in the same manner, by the same authority, and out of the same rate as if the plundering, damage, injury, or destruction were an injury, stealing, or destruction in respect of which compensation is payable under the provisions of the Riot (Damages) Acts, 1886 (49 & 50 Vict. c. 38), and in the case of the vessel, cargo, or apparel not being in any police district, as if the plundering, damage, injury, or destruction took place in the nearest police district;

In Scotland by the inhabitants of the county, city, or borough in or nearest to which such offence is committed, in manner provided by the Riot Act (1 Geo. 1. st. 2. c. 5), with respect to prosecutions for repairing the damages of any churches and other buildings, or as near thereto as circumstances permit, and

In Ireland in manner provided by the Act of the Session held in the sixteenth and seventeenth year of the reign of Her present Majesty, chapter thirty-eight, intituled "An Act to extend the remedies for the compensation of malicious injuries to property in Ireland" with respect to damage to any dwelling-house or other property therein mentioned.

516. Exercise of powers of receiver in his absence.—(1.) Where a receiver is not present, the following officers or persons in succession (each in the absence of the other, in the order in which they are named), namely, any chief officer of customs, principal officer of the coastguard, officer of inland revenue, sheriff, justice of the peace, commissioned officer

on full pay in the naval service of Her Majesty, or commissioned officer on full pay in the military service of Her Majesty, may do anything by this Part of this Act authorised to be done by the receiver.

(2.) An officer acting under this section for a receiver shall, with respect to any goods or articles belonging to a vessel the delivery of which to the receiver is required by this Act, be considered as the agent of the receiver, and shall place the same in the custody of the receiver; but he shall not be entitled to any fees payable to receivers, or be deprived by reason of his so acting of any right to salvage to which he would otherwise be entitled.

517. Examination in respect of ships in distress.—(1.) Where any ship, British or foreign, is or has been in distress on the coasts of the United Kingdom, a receiver of wreck, or at the request of the Board of Trade a wreck commissioner or deputy approved by the Board, or, in the absence of the persons aforesaid, a justice of the peace, shall, as soon as conveniently may be, examine on oath (and they are hereby respectively empowered to administer the oath) any person belonging to the ship, or any other person who may be able to give any account thereof or of the cargo or stores thereof, as to the following matters; (that is to say,)—

(*a*) The name and description of the ship;

(*b*) The name of the master and of the owners;

(*c*) The names of the owners of the cargo;

(*d*) The ports from and to which the ship was bound;

(*e*) The occasion of the distress of the ship;

(*f*) The services rendered; and

(*g*) Such other matters or circumstances relating to the ship, or to the cargo on board the same, as the person holding the examination thinks necessary.

(2.) The person holding the examination shall take the same down in writing, and shall send one copy thereof to the Board of Trade, and another to the secretary of Lloyd's in London, and the secretary shall place it in some conspicuous situation for inspection.

(3.) The person holding the examination shall, for the purposes thereof, have all the powers of a Board of Trade inspector under this Act.

Dealing with Wreck.

***518. Provision as to wreck found in the United Kingdom.**—Where any person finds or takes possession of any wreck within the limits of the United Kingdom he shall,—

(*a*) if he is the owner thereof, give notice to the receiver of the district stating that he has found or taken possession of the same, and describing the marks by which the same may be recognised;

(*b*) if he is not the owner thereof, as soon as possible deliver the same to the receiver of the district:

and if any person fails, without reasonable cause, to comply with this section, he shall, for each offence, be liable to a fine not exceeding one hundred pounds, and shall in addition, if he is not the owner, forfeit any claim to salvage, and shall be liable to pay to the owner of the wreck if it is claimed, or, if it is unclaimed to the person entitled to the same, double the value thereof, to be recovered in the same way as a fine of a like amount under this Act.

519. Penalty for taking wreck at time of casualty.—(1.) Where a vessel is wrecked, stranded, or in distress at any place on or near the coasts of the United Kingdom, or any tidal water within the limits of the United Kingdom, any cargo or other articles belonging to or separated from the vessel, which may be washed on shore or otherwise lost or taken from the vessel shall be delivered to the receiver.

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* Section 72 of the Merchant Shipping Act, 1906, provides that Section 518 of the Merchant Shipping Act, 1894, shall apply also to wreck picked up at sea and brought within the limits of the United Kingdom.

(2.) If any person, whether the owner or not, secretes or keeps possession of any such cargo or article, or refuses to deliver the same to the receiver or any person authorised by him to demand the same, that person shall for each offence be liable to a fine not exceeding one hundred pounds.

(3.) The receiver or any person authorised as aforesaid may take any such cargo or article by force from the person so refusing to deliver the same.

520. Notice of wreck to be given by receiver.—Where a receiver takes possession of any wreck he shall within forty-eight hours—

(*a*) cause to be posted in the custom house nearest to the place where the wreck was found or was seized by him a description thereof and of any marks by which it is distinguished; and

(*b*) if in his opinion the value of the wreck exceeds twenty pounds, also transmit a similar description to the secretary of Lloyd's in London, and the secretary shall post it in some conspicuous position for inspection.

521. Claims of owners to wreck.—(1.) The owner of any wreck in the possession of the receiver, upon establishing his claim to the same to the satisfaction of the receiver within one year from the time at which the wreck came into the possession of the receiver, shall, upon paying the salvage, fees, and expenses due, be entitled to have the wreck or the proceeds thereof delivered up to him.

(2.) Where any articles belonging to or forming part of a foreign ship, which has been wrecked on or near the coasts of the United Kingdom, or belonging to and forming part of the cargo, are found on or near those coasts, or are brought into any port in the United Kingdom, the consul-general of the country to which the ship or in the case of cargo to which the owners of the cargo may have belonged, or any consular officer of that country authorised in that behalf by any treaty or arrangement with that country, shall, in the absence of the owner and of the master or other agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody and disposal of the articles..

522. Immediate sale of wreck by receiver in certain cases.—A receiver may at any time sell any wreck in his custody if in his opinion—

(*a*) it is under the value of five pounds or

(*b*) it is so much damaged or of so perishable a nature that it cannot with advantage be kept, or

(*c*) it is not of sufficient value to pay for warehousing,

and the proceeds of the sale shall, after defraying the expenses thereof, be held by the receiver for the same purposes and subject to the same claims, rights, and liabilities as if the wreck had remained unsold.

Unclaimed Wreck.

523. Right of Crown to unclaimed wreck.—Her Majesty and Her Royal successors are entitled to all unclaimed wreck found in any part of her Majesty's dominions, except in places where Her Majesty or any of Her Royal predecessors has granted to any other person the right to that wreck.

524. Notice of unclaimed wreck to be given to persons entitled.—(1.) Where any admiral, vice-admiral, lord of the manor, heritable proprietor duly infeft, or other person is entitled for his own use to unclaimed wreck found on any place within the district of a receiver, he shall deliver to the receiver a statement containing the particulars of his title, and an address to which notices may be sent.

(2.) When a statement has been so delivered and the title proved to the satisfaction of the receiver, the receiver shall, on taking possession of any wreck found at a place to which the statement refers, within forty-eight hours send to the address delivered a description of the wreck and of any marks by which it is distinguished.

525. Disposal of unclaimed wreck.—Where no owner establishes a claim to any wreck, found in the United Kingdom and in the possession of the receiver, within one year after it came into his possession, the wreck shall be dealt with as follows; (that is to say,)—

(1.) If the wreck is claimed by any admiral, vice-admiral, lord of a manor, heritable proprietor, or other person who has delivered such a statement to the receiver as herein-before provided, and has proved to the satisfaction of the receiver his title to receive unclaimed wreck found at the place where that wreck was found, the wreck after payment of all expenses, costs, fees, and salvage due in respect thereof, shall be delivered to him;

(2.) If the wreck is not claimed by any admiral, vice-admiral, lord of a manor, heritable proprietor, or other person as aforesaid, the receiver shall sell the same and shall pay the proceeds of the sale (after deducting therefrom the expenses of the sale, and any other expenses incurred by him, and his fees, and paying thereout to the salvors such amount of salvage as the Board of Trade may in each case, or by any general rule, determine) for the benefit of the Crown, as follows; (that is to say,)—

(*a*) If the wreck is claimed in right of Her Majesty's duchy of Lancaster, to the receiver-general of that duchy or his deputies as part of the revenues of that duchy;

(*b*) If the wreck is claimed in right of the duchy of Cornwall, to the receiver-general of that duchy or his deputies as part of the revenues of that duchy; and

(*c*) If the wreck is not so claimed, the receiver shall pay the proceeds of sale to the Mercantile Marine Fund during the life of Her present Majesty, and after the decease of Her present Majesty to her heirs and successors.

526. Disputed title to unclaimed wreck.—(1.) Where any dispute arises between any such admiral, vice-admiral, lord of a manor, heritable proprietor, or other person as aforesaid and the receiver respecting title to wreck found at any place, or, where more persons than one claim title to that wreck and a dispute arises between them as to that title, that dispute may be referred and determined in the same manner as if it were a dispute as to salvage to be determined summarily under this Part of this Act.

(2.) If any party to the dispute is unwilling to have the same so referred and determined, or is dissatisfied with the decision on that determination, he may within three months after the expiration of a year from the time when the wreck has come into the receiver's hands, or from the date of the decision, as the case may be, take proceedings in any court having jurisdiction in the matter for establishing his title.

527. Delivery of unclaimed wreck by receivers not to prejudice title.—Upon delivery of wreck or payment of the proceeds of sale of wreck by a receiver, in pursuance of the provisions of this Part of this Act, the receiver shall be discharged from all liability in respect thereof, but the delivery thereof shall not prejudice or affect any question which may be raised by third parties concerning the right or title to the wreck, or concerning the title to the soil of the place on which the wreck was found.

528. Power to Board of Trade to purchase rights to wreck.—(1.) The Board of Trade may, with the consent of the Treasury, out of the revenue arising under this Part of this Act, purchase for and on behalf of Her Majesty any rights to wreck possessed by any person other than Her Majesty.

(2.) For the purpose of a purchase under this section, the provisions of the Lands Clauses Acts relating to the purchase of lands by agreement shall be incorporated with this Part of this Act, and in the construction of those Acts for the purposes of this section this Part of this Act shall be deemed to be the special Act, and any such right to wreck as aforesaid

shall be deemed to be an interest in land authorised to be taken by the special Act, and Her Majesty shall be deemed to be the promoter of the undertaking.

529. Admiral not to interfere with wreck.—No admiral, vice-admiral, or other person, under whatever denomination, exercising Admiralty jurisdiction, shall, as such, by himself or his agents, receive, take, or interfere with any wreck except as authorised by this Act.

Removal of Wrecks.

530. Removal of wreck by harbour or conservancy authority.—Where the vessel is sunk, stranded, or abandoned in any harbour or tidal water under the control of a harbour or conservancy authority, or in or near any approach thereto, in such manner as in the opinion of the authority to be, or be likely to become, an obstruction or danger to navigation or to lifeboats engaged in lifeboat service in that harbour or water or in any approach thereto, that authority may—

(a) take possession of, and raise, remove, or destroy the whole or any part of the vessel; and

(*b*) light or buoy any such vessel or part until the raising, removal, or destruction thereof; and

(*c*) sell, in such manner as they think fit, any vessel or part so raised or removed, and also any other property recovered in the exercise of their powers under this section, and out of the proceeds of the sale reimburse themselves for the expenses incurred by them in relation thereto under this section, and the authority shall hold the surplus, if any, of the proceeds in trust for the persons entitled thereto.

Provided as follows:—

(1.) A sale shall not (except in the case of property which is of a perishable nature, or which would deteriorate in value by delay) be made under this section until at least seven clear days' notice of the intended sale has been given by advertisement in some local newspaper circulating in or near the district over which the authority have control; and

(2.) At any time before any property is sold under this section, the owner thereof shall be entitled to have the same delivered to him on payment to the authority of the fair market value thereof, to be ascertained by agreement between the authority and the owner, or failing agreement by some person to be named for the purpose by the Board of Trade, and the sum paid to the authority as the value of any property under this provision shall, for the purposes of this section, be deemed to be the proceeds of sale of that property.

531. Power of lighthouse authority to remove wreck.—(1.) Where any vessel is sunk, stranded, or abandoned in any fairway, or on the seashore, or on or near any rock, shoal, or bank, in the British Islands, or any of the adjacent seas or islands, and there is not any harbour or conservancy authority having power to raise, remove, or destroy the vessel, the general lighthouse authority for the place in or near which the vessel is situate shall, if in their opinion the vessel is, or is likely to become, an obstruction or danger to navigation or to lifeboats engaged in the lifeboat service, have the same powers in relation thereto as are by this part of this Act conferred upon a harbour or conservancy authority.

(2.) All expenses incurred by the general lighthouse authority under this section, and not reimbursed in manner provided by this part of this Act, shall be paid out of the Mercantile Marine Fund,* but shall be subject to the like estimate, account, and sanction as the expenses of a general lighthouse authority, other than establishment expenses.

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* Now reconstituted and called the General Lighthouse Fund.

532. Powers of removal to extend to tackle, cargo, &c.—The provisions of this part of this Act relating to removal of wrecks shall apply to every article or thing or collection of things being or forming part of the tackle, equipments, cargo, stores, or ballast of a vessel in the same manner as if it were included in the term "vessel," and for the purposes of these provisions any proceeds of sale arising from a vessel and from the cargo thereof, or any other property recovered therefrom, shall be regarded as a common fund.

533. Power for Board of Trade to determine certain questions between authorities.—If any question arises between a harbour or conservancy authority on the one hand and a general lighthouse authority on the other hand as to their respective powers under this part of this Act for the removal of wrecks, in relation to any place being in or near an approach to a harbour or tidal water, that question shall, on the application of either authority, be referred to the decision of the Board of Trade, and the decision of that Board shall be final.

534. Powers to be cumulative. The powers conferred by this part of this Act on a harbour, conservancy, or lighthouse authority, for the removal of wrecks shall be in addition to and not in derogation of any other powers for a like object.

Offences in respect of Wreck.

535. Taking wreck to foreign port.—If any person takes into any foreign port any vessel, stranded, derelict, or otherwise in distress, found on or near the coasts of the United Kingdom or any tidal water within the limits of the United Kingdom, or any part of the cargo or apparel thereof, or any thing belonging thereto, or any wreck found within those limits, and there sells the same, that person shall be guilty of felony, and on conviction thereof shall be liable to be kept in penal servitude for a term not less than three years and not exceeding five years.

536. Interfering with wrecked vessel or wreck.—(1.) A person shall not without the leave of the master board or endeavour to board any vessel which is wrecked, stranded, or in distress, unless that person is, or acts by command of, the receiver or a person lawfully acting as such, and if any person acts in contravention of this enactment, he shall for each offence be liable to a fine not exceeding fifty pounds, and the master of the vessel may repel him by force.

(2.) A person shall not—

(*a*) impede or hinder, or endeavour in any way to impede or hinder, the saving of any vessel stranded or in danger of being stranded, or otherwise in distress on or near any coast or tidal water, or of any part of the cargo or apparel thereof, or of any wreck;

(*b*) secrete any wreck, or deface or obliterate any marks thereon; or

(*c*) wrongfully carry away or remove any part of a vessel stranded or in danger of being stranded, or otherwise in distress, on or near any coast or tidal water, or any part of the cargo or apparel thereof, or any wreck,

and if any person acts in contravention of this enactment, he shall be liable for each offence to a fine not exceeding fifty pounds, and that fine may be inflicted in addition to any punishment to which he may be liable by law under this Act or otherwise.

537. Summary procedure for concealment of wreck.—(1.) Where a receiver suspects or receives information that any wreck is secreted or in the possession of some person, who is not the owner thereof, or that any wreck is otherwise improperly dealt with, he may apply to any justice of the peace for a search warrant, and that justice shall have power to grant such a warrant, and the receiver, by virtue thereof may enter any house, or other place, wherever situate, and also any vessel, and search for, seize, and detain any such wreck there found.

(2.) If any such seizure of wreck is made in consequence of information given by any person to the receiver, on a warrant being issued under this section, the informer shall be entitled, by way of salvage, to such sum not exceeding in any case five pounds as the receiver may allow.

Marine Store Dealers.

538. Marine store dealer to have his name and trade painted on his shop.—(1.) Every person dealing in, buying, or selling, any of the articles following, that is to say, anchors, cables, sails, old junk, or old iron, or other marine stores of any kind (in this part of this Act called a marine store dealer) shall have his name, together with the words "dealer in marine stores," distinctly painted, in letters of not less than six inches in length on every warehouse and place of deposit belonging to him.

(2.) If a marine store dealer fails to comply with the requirements of this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

539. Marine store dealer to keep proper books.—(1.) Every marine store dealer shall keep proper books, and enter therein an account of all marine stores of which he becomes possessed, stating in respect of each article the time at which and the person from whom he purchased or received the same, and a description of the business and place of abode of that person.

(2.) If a marine store dealer fails to comply with the requirements of this section he shall be liable to a fine for the first offence not exceeding twenty pounds, and for every subsequent offence not exceeding fifty pounds.

540. Marine store dealer not to purchase from person under sixteen.—(1.) A marine store dealer shall not by himself or his agents purchase marine stores of any description from any person apparently under the age of sixteen years.

(2.) If a marine store dealer so purchases any marine store, he shall be liable to a fine for the first offence not exceeding five pounds, and for every subsequent offence not exceeding twenty pounds.

541. Marine store dealer not to cut up cable, &c.—(1.) A marine store dealer shall not, on any pretence, cut up any cable or other like article exceeding five fathoms in length, or unlay the same into twine or paper stuff without obtaining a written permit as required by this section.

(2.) In order to obtain a written permit a marine store dealer shall make a declaration before some justice of the peace having jurisdiction where the dealer resides, stating—

(*a*) the quality and description of the cable or other like article about to be cut up or unlaid;

(*b*) the name and description of the person from whom he purchased or received the same; and

(*c*) that he has purchased or otherwise acquired the same without fraud and without any knowledge or suspicion that it has been come by dishonestly;

and either the justice of the peace before whom the declaration is made, or the receiver of the district, upon the production of the declaration, may grant a permit authorising the marine store dealer to cut up or unlay the cable or other article.

(3.) If a marine store dealer cuts up or unlays any cable or other article without complying with the provisions of this section he shall be liable to a fine for the first offence not exceeding twenty pounds, and for every subsequent offence not exceeding fifty pounds.

542. Permit to be advertised before dealer proceeds to act thereon.—(1.) A marine store dealer who has obtained a permit as aforesaid shall not proceed by virtue thereof to cut up or unlay any cable or

other article until he has for the space of one week, at the least, published in some newspaper circulating in the place where he resids, one or more advertisements, notifying the fact of his having so obtained a permit, and specifying the nature of the cable or article mentioned in the permit, and the place where it is deposited, and the time at which it is intended to be so cut up or unlaid.

(2.) If any person suspects or believes that the cable or other article is his property, he may apply to a justice of the peace for a warrant, and that justice may, on the sworn statement of the applicant, grant a warrant entitling the applicant to require the production by the marine store dealer of the cable or article mentioned in the permit, and also of the books required under this Part of this Act to be kept by the marine store dealer, and authorising the applicant to inspect and examine the cable or article or books.

(3.) If a marine store dealer fails without reasonable cause to comply with any of the requirements of this section, he shall be liable for the first offence to a fine not exceeding twenty pounds, and for every subsequent offence to a fine not exceeding fifty pounds.

Marking of Anchors.

543. Marking of anchors.—(1.) Every manufacturer of anchors shall mark on every anchor manufactured by him in legible characters and both on the crown and also on the shank under the stock his name or initials, and shall in addition mark on the anchor a progressive number and the weight of the anchor.

(2.) If a manufacturer of anchors fails without reasonable cause to comply with this section he shall be liable for each offence to a fine not exceeding five pounds.

Salvage.

544. Salvage payable for saving life.—(1.) Where services are rendered wholly or in part within British waters in saving life from any British or foreign vessel, or elsewhere in saving life from any British vessel, there shall be payable to the salvor by the owner of the vessel, cargo, or apparel saved, a reasonable amount of salvage, to be determined in case of dispute in manner hereinafter mentioned.

(2.) Salvage in respect of the preservation of life when payable by the owners of the vessel shall be payable in priority to all other claims for salvage.

(3.) Where the vessel, cargo, and apparel are destroyed, or the value thereof is insufficient, after payment of the actual expenses incurred, to pay the amount of salvage payable in respect of the preservation of life, the Board of Trade may, in their discretion, award to the salvor, out of the Mercantile Marine Fund, such sum as they think fit in whole or part satisfaction of any amount of salvage so left unpaid.

545. Salvage of life from foreign vessels.—When it is made to appear to Her Majesty that the government of any foreign country is willing that salvage should be awarded by British courts for services rendered in saving life from ships belonging to that country when the ship is beyond the limits of British jurisdiction, Her Majesty may, by Order in Council, direct that the provisions of this Part of this Act with reference to salvage of life shall, subject to any conditions and qualifications contained in the Order, apply, and those provisions shall accordingly apply to those services as if they were rendered in saving life from ships within British jurisdiction.

546. Salvage of cargo or wreck.—Where any vessel is wrecked, stranded, or in distress at any place on or near the coasts of the United Kingdom, or any tidal water within the limits of the United Kingdom, and services are rendered by any person in assisting that vessel or saving the cargo or apparel of that vessel or any part thereof, and where services are

rendered by any person other than a receiver in saving any wreck, there shall be payable to the salvor by the owner of the vessel, cargo, apparel, or wreck, a reasonable amount of salvage to be determined in case of dispute in manner hereinafter mentioned.

Procedure in Salvage.

547. Determination of salvage disputes.—(1.) Disputes as to the amount of salvage whether of life or property, and whether rendered within or without the United Kingdom arising between the salvor and the owners of any vessel, cargo, apparel, or wreck, shall, if not settled by agreement, arbitration, or otherwise, be determined summarily in manner provided by this Act, in the following cases; namely—

(*a*) In any case where the parties to the dispute consent:

(*b*) In any case where the value of the property saved does not exceed one thousand pounds:

(*c*) In any case where the amount claimed does not exceed in Great Britain three hundred pounds and in Ireland two hundred pounds.

(2.) Subject as aforesaid, disputes as to salvage shall be determined by the High Court in England or Ireland, or in Scotland the Court of Session, but if the claimant does not recover in any such court in Great Britain more than three hundred pounds, and in any such court in Ireland more than two hundred pounds, he shall not be entitled to recover any costs, charges, or expenses incurred by him in the prosecution of his claim, unless the court before which the case is tried certify that the case is a fit one to be tried otherwise than summarily in manner provided by this Act.

(3.) Disputes relating to salvage may be determined on the application either of the salvor or of the owner of the property saved, or of their respective agents.

(4.) Where a dispute as to salvage is to be determined summarily under this section it shall be referred and determined as follows:—

(*a*) In England it shall be referred to and determined by a county court having Admiralty jurisdiction by virtue of the County Courts Admiralty Jurisdiction Act, 1868 (31 & 32 Vict. c. 71), or any Act amending the same:

(*b*) In Scotland it shall be referred to and determined by the sheriff's court:

(*c*) In Ireland it shall be referred to the arbitration of and determined by two justices of the peace, or a stipendiary magistrate, or the recorder of any borough having a recorder, or the chairman of quarter sessions in any county, and any such justices, stipendiary magistrate, recorder, or chairman are hereinafter included in the expression "arbitrators."

(5.) Nothing in this Act relating to the procedure in salvage cases shall affect the jurisdiction or procedure in salvage cases of a county court having Admiralty jurisdiction by virtue of the County Courts Admiralty Jurisdiction Act, 1868, or the Court of Admiralty (Ireland) Act, 1867, (30 & 31 Vict. c. 114), or any Act amending either of those Acts.

548. Determination of disputes as to salvage summarily.—(1.) Disputes as to salvage which are to be determined summarily in manner provided by this Act shall—

(*a*) where the dispute relates to the salvage of wreck be referred to a court or arbitrators having jurisdiction at or near the place where the wreck is found;

(*b*) where the dispute relates to salvage in the case of services rendered to any vessel or to the cargo or apparel thereof or in saving life therefrom be referred to a court or arbitators having jurisdiction at or near the place where the vessel is lying, or at or near the port in the United Kingdom into which the vessel is first

brought after the occurrence by reason whereof the claim of salvage arises.

(2.) Any court or arbitrators to whom a dispute as to salvage is referred for summary determination may, for the purpose of determining any such dispute, call in to their assistance any person conversant with maritime affairs as assessor, and there shall be paid as part of the costs of the proceedings to every such assessor in respect of his services such sum not exceeding five pounds as the Board of Trade may direct.

549. Appeal in case of salvage disputes.—(1.) Where a dispute relating to salvage has been determined summarily in manner provided by this Act, any party aggrieved by the decision may appeal therefrom—

(*a*) in Great Britain, in like manner as in the case of any other judgment in an Admiralty or maritime cause of the county court or sheriff's court, as the case may be; and

(*b*) in Ireland, to the High Court, but only if the sum in dispute exceeds fifty pounds, and the appellant within ten days after the date of the award gives notice to the arbitrators of his intention to appeal and, within twenty days after the date of the award, takes such proceedings as, according to the practice of the High Court, are necessary for the institution of an appeal.

(2.) In the case of an appeal from arbitrators in Ireland the arbitrators shall transmit to the proper officer of the court of appeal a copy on unstamped paper certified under their hands to be a true copy of the proceedings had before them or their umpire (if any) and of the award so made by them or him, accompanied with their or his certificate in writing of the gross value of the article respecting which salvage is claimed; and such copy and certificate shall be admitted in the court of appeal as evidence in the case.

550. As to arbitrators in Ireland.—(1.) The Lord Lieutenant in Ireland may appoint, out of the justices for any borough or county, a rota of justices, by whom jurisdiction in salvage cases under this Part of this Act shall be exercised.

(2.) Where no such rota is appointed the salvors may, by writing addressed to the justices' clerk, name one justice and the owner of the property saved may in like manner name another justice to be arbitrators; and if either party fails to name a justice within a reasonable time the case may be tried by two or more justices at petty sessions.

(3.) Where a dispute as to salvage is referred to justices under this Act, they may, if a difference of opinion arises between them, or without such difference, if they think fit, appoint some person conversant with maritime affairs as umpire to decide the point in dispute.

(4.) The arbitrators, within forty-eight hours after any such dispute has been referred to them, and the umpire (if any) within forty-eight hours after his appointment, shall make an award as to the amount of salvage payable, with power nevertheless for such arbitrators or umpire, by writing, duly signed, to extend the time for so making the award.

(5.) There shall be paid to every umpire appointed as aforesaid, in respect of his services, such sum not exceeding five pounds as the Board of Trade may direct.

(6.) All the costs of such arbitration, including any such payment to an umpire as aforesaid, shall be paid by the parties to the dispute, in such manner and in such shares and proportions, as the arbitrators or umpire may direct by the award.

(7.) The arbitrators or umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties and their witnesses on oath, and administer the oaths necessary for that purpose.

(8.) A Secretary of State may determine the scale of costs to be awarded in salvage cases determined by arbitrators under this Part of this Act.

551. Valuation of property by receiver.—(1.) Where any dispute as to salvage arises, the receiver of the district where the property is in respect of which the salvage claim is made, may, on the application of either party, appoint a valuer to value that property, and shall give copies of the valuation to both parties.

(2.) Any copy of the valuation purporting to be signed by the valuer and to be certified as a true copy by the receiver, shall be admissible as evidence in any subsequent proceeding.

(3.) There shall be paid in respect of the valuation by the person applying for the same such fee as the Board of Trade may direct.

552. Detention of property liable for salvage by a receiver.—(1.) Where salvage is due to any person under this Act the receiver shall—

(*a*) if the salvage is due in respect of services rendered in assisting any vessel, or in saving life therefrom, or in saving the cargo or apparel thereof, detain the vessel and cargo or apparel; and

(*b*) if the salvage is due in respect of the saving of any wreck, and the wreck is not sold as unclaimed under the Act, detain the wreck.

(2.) Subject as hereinafter mentioned, the receiver shall detain the vessel and the cargo and apparel, or the wreck (hereinafter referred to as detained property) until payment is made for salvage, or process is issued for the arrest or detention thereof by some competent court.

(3.) A receiver may release any detained property if security is given to his satisfaction or, if the claim for salvage exceeds two hundred pounds, and any question is raised as to the sufficiency of the security, to the satisfaction in England or Ireland of the High Court, and in Scotland of the Court of Session, including any division of that court, or the Lord Ordinary officiating on the bills during vacation.

(4.) Any security given for salvage in pursuance of this section to an amount exceeding two hundred pounds may be enforced by such court as aforesaid in the same manner as if bail had been given in that court.

553. Sale of detained property by a receiver.—(1.) The receiver may sell any detained property if the persons liable to pay the salvage in respect of which the property is detained are aware of the detention, in the following cases; namely:—

(*a*) Where the amount is not disputed, and payment of the amount due is not made within twenty days after the amount is due, or

(*b*) Where the amount is disputed, but no appeal lies from the first court to which the dispute is referred, and payment is not made within twenty days after the decision of the first court, or

(*c*) Where the amount is disputed and an appeal lies from the decision of the first court to some other court, and within twenty days of the decision of the first court neither payment of the sum due is made nor proceedings are commenced for the purpose of appeal.

(2.) The proceeds of sale of detained property shall, after payment of the expenses of the sale, be applied by the receiver in payment of the expenses, fees, and salvage, and, so far as not required for that purpose, shall be paid to the owners of the property, or any other persons entitled to receive the same.

554. Agreement as to salvage.—(1.) Where services for which salvage is claimed are rendered either by the commander or crew or part of the crew of any of Her Majesty's ships or of any other ship, and the salvor voluntarily agrees to abandon his lien upon the ship, cargo, and property alleged to be salved, then, upon the master entering into a written agreement attested by two witnesses to abide the decision of the High Court in England, or of a Vice-Admiralty Court or Colonial Court of Admiralty, and thereby giving security in that behalf to an amount agreed on by the parties to the agreement, that agreement shall bind the ship, and the cargo, and freight respectively, and the respective owners of the ship,

cargo, and freight, and their respective heirs, executors, and administrators, for the salvage which may be adjudged to be payable in respect of the ship, cargo, and freight respectively to the extent of the security given.

(2.) Any agreement made under this section may be adjudicated on and enforced in the same manner as a bond executed under the provisions of this Part of this Act relating to salvage by Her Majesty's ships, and on any such agreement being made the salvor and the master shall respectively make the statements required by this Part of this Act to be made in the case of the bond, but their statements need not be made on oath.

(3.) The salvor shall transmit the statements made, as soon as practicable to the court in which the agreement is to be adjudicated upon.

555. Apportionment of salvage under £200 by receiver.—(1.) Where the aggregate amount of salvage payable in respect of salvage services rendered in the United Kingdom has been finally determined, either summarily in manner provided by this Act or by agreement, and does not exceed two hundred pounds, but a dispute arises as to the apportionment thereof among several claimants, the person liable to pay the amount may apply to the receiver for liberty to pay the same to him; and the receiver shall, if he thinks fit, receive the same accordingly, and shall grant to the person paying the amount a certificate of the amount paid and of the services in respect of which it is paid, and that certificate shall be a full discharge and indemnity to the person by whom the money is paid, and to his vessel, cargo, apparel, and effects against the claims of all persons whomsoever in respect of the services mentioned in the certificate.

(2.) The receiver shall with all convenient speed distribute any amount received by him under this section among the persons entitled to the same on such evidence, and in such shares and proportions, as he thinks fit, and may retain any money which appears to him to be payable to any person who is absent.

(3.) A distribution made by a receiver in pursuance of this section shall be final and conclusive as against all persons claiming to be entitled to any portion of the amount distributed.

556. Apportionment of salvage by Admiralty Courts.—Whenever the aggregate amount of salvage payable in respect of salvage service rendered in the United Kingdom has been finally ascertained, and exceeds two hundred pounds, and whenever the aggregate amount of salvage payable in respect of salvage services rendered elsewhere has been finally ascertained, whatever that amount may be, then if any delay or dispute arises as to the apportionment thereof, any court having Admiralty jurisdiction may cause the same to be apportioned amongst the persons entitled thereto in such manner as it thinks just, and may for that purpose, if it thinks fit, appoint any person to carry that apportionment into effect, and may compel any person in whose hands or under whose control the amount may be to distribute the same, or to bring the same into court to be there dealt with as the court may direct, and may for the purposes aforesaid issue such processes as it thinks fit.

Salvage by Her Majesty's Ships.

557. Salvage by Her Majesty's ships.—(1.) Where salvage services are rendered by any ship belonging to Her Majesty or by the commander or crew thereof, no claim shall be allowed for any loss, damage, or risk caused to the ship or her stores, tackle, or furniture, or for the use of any stores or other articles belonging to Her Majesty, supplied in order to effect those services, or for any other expense or loss sustained by Her Majesty by reason of that service, and no claim for salvage services by the commander or crew, or part of the crew of any of Her Majesty's ships shall be finally adjudicated upon, unless the consent of the Admiralty to the prosecution of that claim is proved.

(2.) Any document purporting to give the consent of the Admiralty for the purpose of this section, and to be signed by the Secretary to the Admiralty or on his behalf, shall be evidence of that consent.

(3.) If a claim is prosecuted and the consent is not proved, the claim shall stand dismissed with costs.

558. Salvage by Her Majesty's ships abroad.—(1.) Where services are rendered at any place out of the limits of the United Kingdom or the four seas adjoining thereto by the commander or any of the crew of any of Her Majesty's ships, in saving any vessel or cargo or property belonging to a vessel, the vessel, cargo, or property alleged to be saved shall, if the salvor is justified by the circumstances of the case in detaining it, be taken to some port where there is a consular officer or a Colonial Court of Admiralty, or a Vice-Admiralty Court.

(2.) The salvor and the master, or other person in charge of the vessel, cargo, or property saved shall within twenty-four hours after arriving at the port each deliver to the consular officer or judge of the Colonial Court of Admiralty or Vice-Admiralty Court, as the case may be, a statement on oath, specifying so far as possible, and so far as those particulars are applicable, the particulars set out in the first part of the Nineteenth Schedule to this Act, and also in the case of the master or other person his willingness to execute a bond in the form, so far as circumstances will permit, set out in the second part of that schedule.

559. Provisions as to bond to be executed.—(1.) The bond shall be in such sum as the consular officer or judge thinks sufficient to answer the demand for salvage service, but the sum fixed shall not exceed one-half of the amount which, in the opinion of the consular officer or judge, is the value of the property in respect of which salvage has been rendered.

(2.) Where the vessel, cargo, or property in respect of which salvage services are rendered is not owned by persons domiciled in Her Majesty's dominions, the master shall procure such security for the due performance of the bond as the consular officer or judge thinks sufficient to be lodged with that officer or judge, or with that officer or judge and such other persons jointly as the salvor may appoint.

(3.) The consular officer or judge shall fix the amount of the bond within four days after the receipt of the statements required by this Part of this Act, but if either of those statements is not delivered within the time required by this Part of this Act, he may proceed *ex parte*.

(4.) A consular officer may for the purposes of this section take affidavits.

(5.) Nothing in this section shall authorise the consular officer or judge to require the cargo of any ship to be unladen.

560. Execution of bond.—(1.) The consular officer or judge on fixing the sum to be inserted in the bond shall send notice thereof to the salvor and master, and on the execution of the bond by the master in the sum fixed in the presence of the consular officer or judge (who shall attest the same), and upon delivery thereof to the salvor, and in cases where security is to be lodged, on that security being duly lodged, the right of the salvor to detain the vessel, cargo, or property shall cease.

(2.) The bond shall bind the respective owners of the vessel, cargo, and freight, and their heirs, executors, and administrators, for the salvage adjudged to be payable in respect of the vessel, cargo, and freight respectively.

561. Enforcement of bond.—(1.) The bond shall be adjudicated on and enforced in the High Court in England, unless the salvor and master agree at the time of the execution of the bond that the bond may be adjudicated on and enforced in any specified Colonial Court of Admiralty or Vice-Admiralty Court, but that court shall in that case have the same power and authorities for the purpose as the High Court in England.

(2.) The High Court in England shall have power to enforce any bond given in pursuance of this Part of this Act in any Colonial Court of Admiralty or Vice-Admiralty Court in any part of Her Majesty's dominions, and any court exercising Admiralty jurisdiction in Scotland, Ireland, the Isle of Man, or the Channel Islands shall assist that court in enforcing those bonds.

(3.) Where security has been given for the performance of a bond, the persons with whom the security is lodged shall deal with the same as the court adjudicating upon the bond direct.

(4.) The consular officer or judge shall at the earliest opportunity transmit the statements and documents delivered to him, and the notice of the sum fixed in the bond to the High Court in England or the Colonial Court of Admiralty or Vice-Admiralty Court in which the bond is to be enforced, as the case may be.

562. Saving for other salvage rights.—(1.) Nothing contained in this Part of this Act shall prejudice the right of the salvor, where salvage services have been rendered by one of Her Majesty's ships, or by the commander or any of the crew thereof, to proceed for the enforcement of the salvage claim otherwise than in manner provided by this Act, but the salvor shall have no right to detain the vessel, cargo, or property saved, unless he elects to proceed under this Part of this Act.

(2.) Nothing contained in this Part of this Act shall affect the right of the salvor, where salvage services have been rendered by one of Her Majesty's ships or by the commander or any of the crew thereof, in any case which is not provided for therein.

563. Exemption from stamp duty.—Any bond, statement, agreement, or other document made or executed in pursuance of the provisions of this Part of this Act relating to salvage by Her Majesty's ships shall, if made or executed out of the United Kingdom, be exempt from stamp duty.

564. Punishment for forgery and false representations.—If any person in any proceeding under the provisions of this Part of this Act relating to salvage by Her Majesty's ships—

(*a*) forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any document; or

(*b*) puts off or makes use of any forged or altered document, knowing the same to be so forged or altered; or

(*c*) gives or makes, or assists in giving or making, or procures to be given or made, any false evidence or representation, knowing the same to be false,

that person shall for each offence be liable to imprisonment, with or without hard labour, for any period not exceeding two years, or, on summary conviction, to imprisonment, with or without hard labour, for any period not exceeding six months.

Jurisdiction of High Court in Salvage.

565. Jurisdiction of High Court in salvage.—Subject to the provisions of this Act, the High Court, and in Scotland the Court of Session, shall have jurisdiction to decide upon all claims whatsoever relating to salvage, whether the services in respect of which salvage is claimed were performed on the high seas or within the body of any county, or partly on the high seas and partly within the body of any county, and whether the wreck in respect of which salvage is claimed is found on the sea or on the land, or partly on the sea and partly on the land.

Appointment of Receivers of Wreck.

566. Appointment of receivers of wreck.—The Board of Trade shall have the general superintendence throughout the United Kingdom of all matters relating to wreck, and may, with the consent of the Treasury,

appoint any officer of customs or of the coastguard, or any officer of inland revenue, or, where it appears to such Board to be more convenient, any other person, to be a receiver of wreck (in this Part of this Act referred to as a receiver), in any district, and to perform the duties of receiver under this Part of this Act, and shall give due notice of the appointment.

Fees of Receivers of Wreck.

567. Receivers fees.—(1.) There shall be paid to every receiver the expenses properly incurred by him in the performance of his duties, and also, in respect of the several matters specified in the Twentieth Schedule to this Act, such fees not exceeding the amounts therein mentioned as may be directed by the Board of Trade, but a receiver shall not be entitled to any remuneration other than those payments.

(2.) The receiver shall, in addition to all other rights and remedies for the recovery of those expenses or fees, have the same rights and remedies in respect thereof as a salvor has in respect of salvage due to him.

(3.) Whenever any dispute arises in any part of the United Kingdom as to the amount payable to any receiver in respect of expenses or fees, that dispute shall be determined by the Board of Trade, and the decision of that Board shall be final.

(4.) All fees received by a receiver in respect of any services performed by him as receiver shall be carried to and form part of the Mercantile Marine Fund, but a separate account shall be kept of those fees, and the moneys arising from them shall be applied in defraying any expenses duly incurred in carrying into effect this Act in such manner as the Board of Trade direct.

568. Remuneration for services by coastguard.—(1.) Where services are rendered by any officers or men of the coastguard service in watching or protecting shipwrecked property, then, unless it can be shown that those services have been declined by the owner of the property or his agent at the time they were tendered, or that salvage has been claimed and awarded for those services, the owner of the property shall pay in respect of those services remuneration according to a scale to be fixed by the Board of Trade; and that remuneration shall be recoverable by the same means, and shall be paid to the same persons, and accounted for and applied in the same manner as fees received by receivers under the provisions of this Part of this Act.

(2.) The scale fixed by the Board of Trade shall not exceed the scale by which remuneration to officers and men of the coastguard for extra duties in the ordinary service of the Commissioners of Customs is for the time being regulated.

Duties on Wreck.

569. Provisions as to duties, &c., on wrecked goods.—(1.) All wreck, being foreign goods brought or coming into the United Kingdom or Isle of Man, shall be subject to the same duties, as if the same was imported into the United Kingdom or Isle of Man respectively, and if any question arises as to the origin of the goods, they shall be deemed to be the produce of such country as the Commissioners of Customs may on investigation determine.

(2.) The Commissioners of Customs and Inland Revenue shall permit all goods, wares, and merchandise saved from any ship stranded or wrecked on her homeward voyage to be forwarded to the port of her original destination, and all goods, wares, and merchandise saved from any ship stranded or wrecked on her outward voyage to be returned to the port at which the same were shipped; but those Commissioners shall take securit- for the due protection of the revenue in respect of those goods.

Supplemental.

570. Powers of sheriff in Scotland.—Any matter or thing which may be done under this Part of this Act by or to a justice of the peace, or a court of summary jurisdiction, may in Scotland be done by or to the sheriff of the county.

571. Saving for Cinque ports.—Nothing in this part of this Act shall prejudice or affect any jurisdiction or powers of the Lord Warden or any officers of the Cinque ports or of any court of those ports or of any court having concurrent jurisdiction within the boundaries of these ports, and disputes as to salvage arising within those boundaries shall be determined in the manner in which they have been hitherto determined.

PART XIV.

Board of Trade Inspectors.

728. Appointment of inspectors to report on accidents, &c.—The Board of Trade may as and when they think fit appoint any person as an inspector to report to them—

(*a*) upon the nature and causes of any accident or damage which any ship has sustained or caused, or is alleged to have sustained or caused; or

(*b*) whether the provisions of this Act, or any regulations made under or by virtue of this Act, have been complied with; or

(c) whether the hull and machinery of any steamship are sufficient and in good condition.

729. Powers of inspectors.—(1.) An inspector so appointed (in this Act referred to as a Board of Trade inspector) and any person having the powers of a Board of Trade inspector—

(*a*) may go on board any ship and inspect the same or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof to which the provisions of this Act apply, not unnecessarily detaining or delaying her from proceeding on any voyage; and

(*b*) may enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make; and

(*c*) may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for the purpose of his report, and may require answers or returns to any inquiries he thinks fit to make; and

(*d*) may require and enforce the production of all books, papers, or documents which he considers important for the purpose of his report; and

(*e*) may administer oaths, or may, in lieu of requiring or administering an oath, require every person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

(2.) Every witness summoned under this section shall be allowed such expenses as would be allowed to a witness attending on subpœna to give evidence before any court of record, or if in Scotland to a witness attending on citation the Court of Justiciary; and in case of any dispute as to the amount of those expenses, the same shall be referred in England or Ireland to one of the masters or registrars of the High Court, and in Scotland to the Queen's and Lord Treasurer's Remembrancer, and the officer shall, on request made to him for that purpose under the hand of the inspector or person having the powers of an inspector, ascertain and certify the proper amount of those expenses.

(3.) If any person refuses to attend as a witness before a Board of Trade inspector or before any person having the powers of a Board of Trade inspector after having been required to do so in manner provided by this section and after having had a tender made to him of the expenses (if any) to which he is entitled under this section, or refuses or neglects to make any answer, or to give any return, or to produce any document in

his possession, or to make or subscribe any declarations which an inspector or person having the powers of an inspector is hereby empowered to require, that person shall for each offence be liable to a fine not exceeding ten pounds.

730. Penalty for obstructing inspectors in the execution of their duty.—If any person wilfully impedes a Board of Trade inspector or any person having the powers of a Board of Trade inspector in the execution of his duty, whether on board a ship or elsewhere, that person shall for each offence be liable to a fine not exceeding ten pounds, and may be seized and detained by the inspector or person having the powers of an inspector, or by any person or persons whom that inspector or person may call to his assistance until he can be conveniently taken before some justice of the peace or other officer having proper jurisdiction.

Private Signals.

733. Registration of private code of signals.—(1.) If a shipowner desires to use for the purpose of a private code any rockets, lights, or other similar signals, he may register those signals with the Board of Trade, and that Board shall give public notice of the signals so registered in such manner as they think requisite for preventing those signals from being mistaken for signals of distress or signals for pilots.

(2) The Board may refuse to register any signals which in their opinion cannot easily be distinguished from signals of distress or signals for pilots.

(3.) Where a signal has been registered under this section, the use or display thereof by any person acting under the authority of the shipowner in whose name it is registered shall not subject any person to any fine or liability under this Act for using or displaying signals improperly.

Exemption of Her Majesty's Ships.

741. Exemption of Her Majesty's Ships.—This Act shall not, except where specially provided, apply to ships belonging to Her Majesty.

Definitions and Provisions as to Application of Act.

742. Definitions.—In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them (that is to say,)

"Vessel" includes any ship or boat, or any other description of vessel used in navigation;

"Ship" includes every description of vessel used in navigation not propelled by oars;

"Foreign-going ship" includes every ship employed in trading or going between some place or places in the United Kingdom, and some place or places situate beyond the following limits; that is to say, the coasts of the United Kingdom, the Channel Islands, and Isle of Man, and the continent of Europe between the River Elbe and Brest, inclusive;

"Home trade ship" includes every ship employed in trading or going within the following limits; that is to say, the United Kingdom, the Channel Islands, and Isle of Man, and the continent of Europe between the River Elbe and Brest, inclusive;

"Home trade passenger ship" means every home trade ship employed in carrying passengers;

"Master" includes every person (except a pilot) having command or charge of any ship;

"Seaman" includes every person (except masters, pilots, and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship;

"Wages" includes emoluments;

"Effects" includes clothes and documents;

"Salvor" means, in the case of salvage services rendered by the officers or crew or part of the crew of any ship belonging to Her Majesty, the person in command of that ship;

"Pilot" means any person not belonging to a ship who has the conduct thereof;

"Court" in relation to any proceeding includes any magistrate or justice having jurisdiction in the matter to which the proceeding relates;

"Colonial Court of Admiralty" has the same meaning as in the Colonial Courts of Admiralty Act, 1890 (53 & 54 Vict. c. 27);

"A Commissioner for Oaths" means a commissioner for oaths within the meaning of the Commissioners for Oaths Act, 1889 (52 & 53 Vict. c. 10);

"Chief Officer of Customs" includes the collector, superintendent, principal coast officer, or other chief officer of customs at each port;

"Superintendent" shall, so far as respects a British possession, include any shipping master or other officer discharging in that possession the duties of a superintendent;

"Consular officer," when used in relation to a foreign country, means the officer recognised by Her Majesty as a consular officer of that foreign country;

"Bankruptcy" includes insolvency;

"Representation" means probate, administration, confirmation, or other instrument constituting a person the executor, administrator, or other representative of a deceased person;

"Legal personal representative" means the person so constituted executor, administrator, or other representative, of a deceased person;

"Name" includes a surname;

"Port" includes place;

"Harbour" includes harbours properly so called, whether natural or artificial, estuaries, navigable rivers, piers, jetties, and other works in or at which ships can obtain shelter, or ship and unship goods or passengers;

"Tidal water" means any part of the sea and any part of a river within the ebb and flow of the tide at ordinary spring tides, and not being a harbour;

"Harbour authority" includes all persons or bodies of persons, corporate or unincorporate, being proprietors of, or intrusted with the duty or invested with the power of constructing, improving, managing, regulating, maintaining, or lighting a harbour;

"Conservancy authority" includes all persons or bodies of persons, incorporate or unincorporate, intrusted with the duty or invested with the power of conserving, maintaining, or improving the navigation of a tidal water;

"Lighthouse" shall in addition to the ordinary meaning of the word include any floating and other light exhibited for the guidance of ships, and also any sirens and any other description of fog signals, and also any addition to a lighthouse of any improved light, or any siren, or any description of fog signal;

"Buoys and beacons" includes all other marks and signs of the sea;

"The Trinity House" shall mean the master wardens and assistants of the guild, fraternity, or brotherhood of the most glorious and undivided Trinity, and of St. Clement in the parish of Deptford Strond in the county of Kent, commonly called the corporation of the Trinity House of Deptford Strond;

"The Commissioners of Irish Lights" means the body incorporated by that name under the local Act of the session held in the thirtieth and thirty-first years of the reign of Her present Majesty, chapter eighty-one, intituled "An Act to alter the constitution of the Corporation for preserving and improving the Port of Dublin and for other purposes connected with that body and with the Port of Dublin Corporation," and any Act amending the same;

"Lifeboat service" means the saving, or attempted saving of vessels, or of life, or property on board vessels, wrecked or aground or sunk, or in danger of being wrecked or getting aground or sinking.

Any reference to failure to do any act or thing shall include a reference to refusal to do that act or thing.

743. Application of Act to ships propelled by electricity, &c.—Any provisions of this Act applying to steamers or steamships shall apply to ships propelled by electricity or other mechanical power with such modifications as the Board of Trade may prescribe for the purpose of adaptation.

744. Application of Act to certain fishing vessels. Ships engaged in the whale, seal, walrus, or Newfoundland cod fisheries shall be deemed to be foreign-going ships for the purpose of this Act, and not fishing boats, with the exception of ships engaged in the Newfoundland cod fisheries which belong to ports in Canada or Newfoundland.

Repeal and Savings.

745. Repeal.—(1.) The Acts mentioned in the Twenty-second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

Provided that—

(*a*) Any Order in Council, licence, certificate, byelaw, rule, or regulation made or granted under any enactment hereby repealed shall continue in force as if it had been made or granted under this Act;

(*b*) Any officer appointed, any body elected or constituted, and any savings bank or office established, under any enactment hereby repealed shall continue and be deemed to have been appointed, elected, constituted, or established, as the case may be, under this Act;

(*c*) Any document referring to any Act or enactment hereby repealed shall be construed to refer to this Act, or to the corresponding enactment of this Act;

(*d*) Any penalty may be recovered, and any offence may be prosecuted, under any provision of the Merchant Shipping Acts, 1854 to 1892, which is not repealed by this Act, in the same manner as fines may be recovered and offences prosecuted under this Act;

(*e*) Ships registered under the Merchant Shipping Act, 1854 (17 & 18 Vict. c. 120), and the Acts amending the same, or duly registered before the passing of the Merchant Shipping Act, 1854, shall be deemed to have been registered under this Act;

(*f*) Nothing in this Act shall affect the Behring Sea Award Act, 1894 (57 and 58 Vict. c. 2), and that Act shall have effect as if this Act had not passed.

(2.) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889 (52 & 53 Vict. c. 63), with regard to the effect of repeals.

(3.) The tonnage of every ship not measured or remeasured in accordance with the Merchant Shipping (Tonnage) Act, 1889 (52 & 53 Vict. c. 43), shall be estimated for all purposes as if any deduction prohibited by the Merchant Shipping (Tonnage) Act, 1889, had not been made, and the particulars relating to the ship's tonnage in the registry book and in her certificate of registry shall be corrected accordingly.

746. Savings.—(1.) Nothing in this Act shall affect the Chinese Passengers Act, 1855 (18 & 19 Vict. c. 104).

(2.) Any local Act which repeals or affects any provisions of the Acts repealed by this Act shall have the same effect on the corresponding provisions of this Act as it had on the said provisions repealed by this Act.

(3.) Nothing in this Act shall affect the rating of any seaman who was rated and served as A.B. before the second day of August one thousand eight hundred and eighty.

Short Title.

747. Short title.—This Act may be cited as the Merchant Shipping Act, 1894.

Section 375.

FIFTEENTH SCHEDULE.

NUMBER and DIMENSIONS of BOATS for FISHING BOATS entered in the FISHING BOAT REGISTER.

Registered Tonnage.		Column 1. To be carried by Sailing Boats and Steam Boats.								Column 2. To be carried by Sailing Boats and by Steam Boats when they do not carry the Boats in Col. 3.				Column 3. To be carried by Steam Boats which do not carry the Boat in Col. 2.				Column 4. Total Number of Boats.	
		Boats.				Boats.				Launches.				Boats.					
Sailing Boats.	Steam Boats.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Number.	Length.	Breadth.	Depth.	Sailing Boats	Steam Boats.
Tons.	Tons.		Ft.	Ft. In.	Ft. In.		Ft.	Ft. In.	Ft. In.		Ft.	Ft. In.	Ft. In.		Ft.	Ft. In.	Ft. In.		
400 and upwards.	240 and upwards.	1	16	5 6	2 3	1	22	5 6	2 5	1	22	6 6	3 3	2	22	5 6	2 6	3	3 or 4, as the case may be.
200 to 400...	120 to 240...	1	14	5 0	2 2	–	–	—	—	1	20	6 0	3 0	2	22	5 6	2 6	2	2 or 3 „ „
100 to 200 .	60 to 120...	1	14	5 0	2 2	–	–	—	—	1	16	5 6	2 9	2	18	5 6	2 4	2	2 or 3 „ „
Under 100	Under 60...	1	14	5 0	2 2	–	–	—	—	–	–	—	—	–	–	—	—	1	1 „ „

Note.—In sailing boats carrying the number of boats above specified, and steam boats carrying the larger of the two numbers above specified, the boats are to be considered sufficient, if their aggregate cubic contents are equal to the aggregate cubic contents of the boats specified.

In steam boats carrying the smaller of the two numbers, specified in column 4, one of the boats must be a launch of the capacity specified in column 2.

In sailing boats of 200 tons burden and under, not carrying passengers, a dingy may be substituted for the boat in column 1.

In sailing boats of 150 tons burden and under, not carrying passengers, a substantial boat of capacity sufficient to carry the crew may be substituted for those above specified.

In all steam boats, two paddle-box boats may be substituted for the boats in column 3.

EIGHTEENTH SCHEDULE.

Precautions as to Grain Cargo.

Section 453.—(1.) There shall not be carried between the decks, or, if the ship has more than two decks, between the main and upper decks, any grain in bulk, except such as may be necessary for feeding the cargo in the hold, and is carried in properly constructed feeders.

(2.) Where grain (except such as may be carried in properly constructed feeders) is carried in bulk in any hold or compartment, and proper provision for filling up the same by feeders is not made, not less than one-fourth of the grain carried in the hold or compartment (as the case may be) shall be in bags supported on suitable platforms laid upon the grain in bulk: Provided that this regulation with respect to bags shall not apply—

(*a*) to oats, or cotton seed; nor

(*b*) to a ship which is a sailing ship of less than four hundred tons registered tonnage, and is not engaged in the Atlantic trade; nor

(*c*) to a ship laden at a port in the Mediterranean or Black Sea, if the ship is divided into compartments which are formed by substantial transverse partitions, and are fitted with longitudinal bulkheads or such shifting boards as hereinafter mentioned, and if the ship does not carry more than one-fourth of the grain cargo, and not more than one thousand five hundred quarters in any one compartment, bin, or division, and provided that each division of the lower hold is fitted with properly constructed feeders from the between decks; nor

(*d*) to a ship in which the grain cargo does not exceed one-half of the whole cargo of the ship, and the rest of the cargo consists of cotton, wool, flax, barrels or sacks of flour, or other suitable cargo so stowed as to prevent the grain in any compartment, bin, or division from shifting.

(3.) Where grain is carried in the hold or between the decks, whether in bags or bulk, the hold or the space between the decks shall be divided by a longitudinal bulkhead or by sufficient shifting boards which extend from deck to deck or from the deck to the keelson and are properly secured, and if the grain is in bulk are fitted grain-tight with proper fillings between the beams.

(4.) In loading the grain shall be properly stowed, trimmed, and secured.

NINETEENTH SCHEDULE.

PART I.

STATEMENTS IN THE CASE OF SALVAGE BY HER MAJESTY'S SHIPS.

Section 558.—(1.) Particulars to be stated both by the salvor and by the master or other person in charge of the vessel, cargo, or property saved:—

(*a*) The place, condition, and circumstances in which the vessel, cargo, or property was at the time when the services were rendered for which salvage is claimed;

(*b*) The nature and duration of the services rendered.

(2.) Additional particulars to be stated by the salvor:—

(*a*) The proportion of the value of the vessel, cargo, and property, and of the freight which he claims for salvage, or the values at which he estimates the vessel, freight, cargo, and property respectively, and the several amounts that he claims for salvage in respect of the same;

(*b*) Any other circumstances which he thinks relevant to the said claim.

(3.) Additional particulars to be stated by the said master or other person in charge of the said vessel, cargo, or property:—

(*a*) A copy of the certificate of registry of the said vessel, and of the endorsements thereon, stating any change which (to his knowledge or

belief) has occurred in the particulars contained in the certificate; and stating also to the best of his knowledge and belief the state of the title to the vessel for the time being, and of the incumbrances and certificates of mortgage or sale, if any, affecting the same, and the names and places of business of the owners and incumbrancers;

(*b*) The name and place of business or residence of the freighter (if any) of the said vessel, and the freight to be paid for the voyage on which she then is;

(*c*) A general account of the quantity and nature of the cargo at the time the salvage services were rendered;

(*d*) The name and place of business or residence of the owner of the cargo and of the consignee thereof;

(*e*) The values at which the master or person making the statement estimates the vessel, cargo, and property, and freight respectively, or if he thinks fit, in lieu of the estimated value of the cargo, a copy of the vessel's manifest;

(*f*) The amounts which the master thinks should be paid as salvage for the services rendered;

(*g*) An accurate list of the property saved in cases where the vessel is not saved;

(*h*) An account of the proceeds of the sale of the vessel, cargo, or property, in cases where the same or any of them are sold at the port where the statement is made;

(*i*) The number, capacities, and condition of the crew of the vessel at the time when the services were rendered; and

(*k*) Any other circumstances he thinks relevant to the matters in question.

PART II.

Salvage Bond.

[*N.B.—Any of the Particulars not known, or not required, by reason of the Claim being only against the Cargo, &c., may be omitted.*]

Whereas certain salvage services are alleged to have been rendered by the vessel [*insert names of vessel and of commander*], commander, to the merchant vessel [*insert names of vessel and master*], master, belonging to [*name and place of business or residence of owner of vessel*], freighted by [*the same of the freighter*], and to the cargo therein, consisting of [*state very shortly the descriptions and quantities of the goods, and the names and addresses of their owners and consignees*]:

And whereas the said vessel and cargo have been brought into the port of [*insert name and situation of port*], and a statement of the salvage claim has been sent to [*insert the name of the consular officer or judge of the Colonial Court of Admiralty or Vice-Admiralty Court and of the office he fills*], and he has fixed the amount to be inserted in this bond at the sum of [*state the sum*].

Now I, the said [*master's name*], do hereby, in pursuance of the Merchant Shipping Act, 1894, bind the several owners for the time being of the said vessel and of the cargo therein and of the freight payable in respect of that cargo and their respective heirs, executors, and administrators, to pay among them such sum not exceeding the said sum of [*state the sum fixed*], in such proportions and to such persons as [*if the parties agree on any other court, substitute the name of it here*], the High Court in England shall adjudge to be payable as salvage for the services so alleged to have been rendered as aforesaid.

In witness whereof I have hereunto set my hand and seal, this [*insert the date*] day of

Signed, sealed, and delivered by the said [*master's name*].

(L.S.)

In the presence of [*name of consular officer or judge of the Colonial Court of Admiralty or Vice-Admiralty Court, and of the office he fills.*]

TWENTIETH SCHEDULE.

Maximum Fees and Remuneration of Receivers.

	£	s.	d.
Section 567.—For every examination on oath instituted by a receiver with respect to any vessel which may be or may have been in distress, a fee not exceeding	1	0	0
But so that in no case shall a larger fee than two pounds be charged for examinations taken in respect of the same vessel and the same occurrence, whatever may be the number of the deponents.			
For every report required to be sent by the receiver to the secretary of Lloyd's in London, the sum of	0	10	0
For wreck taken by the receiver into his custody, a percentage of 5 per cent. upon the value thereof.			
But so that in no case shall the whole amount of percentage so payable exceed twenty pounds.			
In cases where any services are rendered by a receiver, in respect of any vessel in distress, not being wreck, or in respect of the cargo or other articles belonging thereto, the following fees instead of a percentage (that is to say,)			
If that vessel with her cargo equals or exceeds in value six hundred pounds, the sum of two pounds for the first, and the sum of one pound for every subsequent day during which the receiver is employed on that service, but if that vessel with her cargo is less in value than six hundred pounds, one moiety of the above-mentioned sum.			

[60 & 61 Vict.] Merchant Shipping Act, 1897. [Ch. 59.]

1. Extension of powers of detention for unsafety to undermanning.—(1.) Section four hundred and fifty-nine of the Merchant Shipping Act, 1894 (57 & 58 Vict. c. 60) (which gives power to detain unsafe ships), shall apply in the case of undermanning, and accordingly that section shall be construed as if the words "or by reason of undermanning" were inserted therein after the word "machinery," and as if the words "or for ascertaining the sufficiency of her crew" were inserted after the word "surveyed," and as if the words "or the manning of the ship" were inserted therein after the words "reloading of cargo," and the powers exerciseable under or for the purposes of that section shall include power to muster the crew.

(2.) Section four hundred and sixty-two of the Merchant Shipping Act, 1894 (which relates to foreign ships), shall also apply in the case of undermanning, and accordingly that section shall be construed as if the words "or by reason of undermanning" were inserted therein after the words "improper loading."

[6 Edw. 7.] Merchant Shipping Act, 1906. [Ch. 48.]

2. Detention of foreign ships when unsafe owing to defective equipment, &c.—Section four hundred and sixty-two of the principal Act (which relates to the detention of foreign ships)—

(1.) shall apply in the case of a ship which is unsafe by reason of the defective condition of her hull, equipments, or machinery, and accordingly that section shall be construed as if the words "by "reason of the defective condition of her hull, equipments, or "machinery, or" were inserted before the words "by reason of "overloading or improper loading"; and

(2.) shall apply with respect to any foreign ships being at any port in the United Kingdom, whether those ships take on board any cargo at that port or not.

3. Loading of grain cargoes on foreign ships.—(1.) After the first day of October one thousand nine hundred and seven, sections four hundred and fifty-two and four hundred and fifty-five of the principal Act shall apply to a foreign ship, which loads a grain cargo in the United Kingdom so long as the ship is within a port in the United Kingdom.

(2.) If, after the first day of October one thousand nine hundred and seven, a foreign ship laden with grain cargo arrives at any port in the United Kingdom, having the grain cargo so loaded that the master of the ship, if the ship were a British ship, would be liable to a penalty under the provisions of Part V. of the principal Act relating to the carriage of grain, the master of that foreign ship shall be liable to a fine not exceeding three hundred pounds.

(3.) After the first day of October one thousand nine hundred and seven, section four hundred and fifty-five of the principal Act shall apply to a foreign ship laden with grain which discharges all or any part of her cargo at any port in the United Kingdom so long as the ship is within a port in the United Kingdom.

(4.) The provisions of section four hundred and fifty-four of the principal Act, so far as that section provides for the delivery of the notice mentioned therein to the proper officer of customs in the United Kingdom, shall apply to all foreign ships laden with grain cargo arriving at a port in the United Kingdom after the date aforesaid, and the master of the ship shall be liable accordingly.

4. Power to apply rules as to life-saving appliances to foreign ships in certain cases.—Sections four hundred and twenty-seven to four hundred and thirty-one of the principal Act relating to life-saving appliances shall, after the appointed day, apply to all foreign ships while they are within any port of the United Kingdom as they apply to British ships:

Provided that His Majesty may by Order in Council direct that those provisions shall not apply to any ship of a foreign country in which the provisions in force relating to life-saving appliances appear to His Majesty to be as effective as the provisions of Part V. of the principal Act, on proof that those provisions are complied with in the case of that ship.

6. Saving for ship coming in under stress of weather, &c.—Nothing in the foregoing provisions of this Part of this Act shall affect any foreign ship not bound to a port of the United Kingdom which comes into any port of the United Kingdom for any purpose other than the purpose of embarking or landing passengers, or taking in or discharging cargo or taking in bunker coal.

10. Loading of timber.—(1.) If a ship, British or foreign, arrives between the last day of October and the sixteenth day of April in any year at any port in the United Kingdom from any port out of the United Kingdom, carrying any heavy or light wood goods as deck cargo (except under the conditions allowed by this section), the master of the ship, and also the owner, if he is privy to the offence, shall be liable to a fine not exceeding five pounds for every hundred and fifty cubic feet of space in which wood goods are carried in contravention of this section.

(2.) The conditions under which heavy wood goods may be carried as deck cargo are as follows:—

(*a*) that they must only be carried in covered spaces; and

(*b*) that they must be carried only in such class of ships as may be approved by the Board of Trade for the purpose; and

(*c*) that they must be loaded in accordance with regulations made by the Board of Trade with respect to the loading thereof.

(3.) The conditions under which light wood goods may be carried as deck cargo are as follows:—

(*a*) each unit of the goods must be of a cubic capacity not greater than fifteen cubic feet; and

(*b*) The height above the deck to which the goods are carried must not exceed—

(i) in the case of an uncovered space on a deck forming the top of a break, poop, or other permanent closed-in space on the upper deck, three feet above the top of that closed-in space; and

(ii) in the case of an uncovered space, not being a space forming the top of any permanent closed-in space on the upper deck or a space forming the top of a covered space, the height of the main rail, bulwark, or plating, or one-fourth of the inside breadth of the ship, or seven feet, whichever height is the least; and

(iii) in the case of a covered space the full height of that space:

(*c*) Regulations may be made by the Board of Trade for the protection of seamen from any risk arising from the carriage of the goods in any uncovered space to the height allowed under this section, and those regulations must be complied with on the ship.

(4.) A master or owner shall not be liable to any fine under this section—

(*a*) in respect of any wood goods which the master has considered it necessary to place or keep on deck during the voyage on account of the springing of any leak, or of any other damage to the ship received or apprehended; or

(*b*) if he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the last day of October as allowed a sufficient interval according to the ordinary duration of the voyage for the ship to arrive before that day at the said port in the United Kingdom, but was prevented from so arriving by stress of weather or circumstances beyond his control; or

(*c*) if he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the sixteenth day of April as allowed a reasonable interval according to the ordinary duration of the voyage for the ship to arrive after that day at the said port in the United Kingdom, and by reason of an exceptionally favourable voyage arrived before that day.

(5.) For the purposes of this section—

(*a*) the expression "heavy wood goods" means—

(i) any square, round, waney, or other timber, or any pitch pine, mahogany, oak, teak, or other heavy wood goods whatever; or

(ii) any more than five spare spars or store spars, whether or not made, dressed, and finally prepared for use; and

(*b*) the expression "light wood goods" means any deals, battens, or other light wood goods of any description; and

(*c*) the expression "deck cargo" means any cargo carried either in any uncovered space upon deck or in any covered space not included in the cubical contents forming the ship's registered tonnage; and

(*d*) the space in which wood goods are carried shall be deemed to be the space limited by the superficial area occupied by the goods, and by straight lines enclosing a rectangular space sufficient to include the goods.

(6.) Nothing in this section shall affect any ship not bound to a port in the United Kingdom which comes into any port of the United Kingdom under stress of weather, or for repairs, or for any purpose other than the delivery of her cargo.

(7.) This section shall come into operation on the passing of this Act.

11. Summary prosecution for offences under the loading of grain provisions.—Any offence for which a person is liable to a fine under subsection (2) of section four hundred and fifty-two of the principal Act (which relates to the obligation to take precautions to prevent grain cargo from

shifting) or under any provision of this Act which relates to the lading of grain cargoes on foreign ships may be prosecuted summarily; but the fine to which a person is liable for any such offence shall not, if the offence is prosecuted summarily, exceed a hundred pounds.

16. Restriction as to the decks on which passengers may be carried.—(1.) A ship shall not carry passengers, whether cabin or steerage passengers, on more than one deck below the water line.

(2.) If this section is not complied with in the case of any ship the master of the ship shall for each offence be liable to a fine not exceeding five hundred pounds.

72. Delivery of wreck to receiver.—Section five hundred and eighteen of the principal act shall apply to wreck found or taken possession of outside the limits of the United Kingdom, and brought within the limits of the United Kingdom, as it applies to wreck found or taken possession of within the limits of the United Kingdom.

[9 Edw. 7.] Oaths Act, 1909. [Ch. 39.]

An Act to amend the Law as to Oaths.

[25th November 1909.]

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Short title.—This Act may be cited for all purposes as the Oaths Act, 1909, and the Oaths Act, 1888 (51 & 52 Vict. c. 46); and this Act may be cited together as the Oaths Acts, 1888 and 1909.

2. Manner of administration of oaths.—(1.) Any oath may be administered and taken in the form and manner following:—

> The person taking the oath shall hold the New Testament, or, in the case of a Jew, the Old Testament, in his uplifted hand, and shall say or repeat after the officer administering the oath the words "I swear by Almighty God that . . . .", followed by the words of the oath prescribed by law.

(2) The officer shall (unless the person about to take the oath voluntarily objects thereto, or is physically incapable of so taking the oath) administer the oath in the form and manner aforesaid without question:

Provided that, in the case of a person who is neither a Christian nor a Jew, the oath shall be administered in any manner which is now lawful.

3. Definition.—In this Act the word "officer" shall mean and include any and every person duly authorised to administer oaths.

4. Commencement and extent.—(1.) This Act shall come into operation on the first day of January nineteen hundred and ten.

(2) This Act shall not apply to Scotland.

PILOTAGE ACT, 1913.

(2 & 3 Geo. 5 cap. 31.)

45. Signals to be displayed by ships requiring a pilot.—(1) His Majesty may by Order in Council make rules as to the signals to be used or displayed where the services of a pilot are required on any vessel, and those signals are in this Act referred to as pilot signals.

(2) If a vessel requires the services of a pilot, the master of that vessel shall use or display the pilot signals.

(3) If a master of a vessel uses or displays, or causes or permits any person under his authority to use or display, any of the pilot signals for any other purpose than that of summoning a pilot, or uses or causes or permits any person under his authority to use any other signal for a pilot, he shall be liable in respect of each offence to a fine not exceeding twenty pounds.

MERCHANT SHIPPING (SALVAGE) ACT, 1916.

(6 & 7 Geo. 5 cap. 41.)

1. Right of Admiralty to claim salvage in respect of services of certain ships.—Where salvage services are rendered by any ship belonging to His Majesty and that ship is a ship specially equipped with salvage plant, or is a tug, the Admiralty shall, notwithstanding anything contained in section five hundred and fifty-seven of the Merchant Shipping Act, 1894, be entitled to claim salvage on behalf of His Majesty for such services, and shall have the same rights and remedies as if the ship rendering such services did not belong to His Majesty.

2. Short title and construction.—This Act may be cited as the Merchant Shipping (Salvage) Act, 1916, and shall be construed as one with the Merchants Shipping Acts, 1894 to 1914, and those Acts and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1916.

AIR NAVIGATION ACT, 1920.

(10 & 11 Geo. 5 cap. 80.)

PART II.

GENERAL.

11. Wreck and Salvage.—The law relating to wreck and to salvage of life or property, and to the duty of rendering assistance to vessels in distress (including the provisions of the Merchant Shipping Acts, 1894 to 1916, and any other Act relating to those subjects), shall apply to aircraft on or over the sea or tidal waters as it applies to vessels, and the owner of an aircraft shall be entitled to a reasonable reward for salvage services rendered by the aircraft to any property or persons in any case where the owner of a ship would be so entitled:

Providing that provision may be made by Order in Council for making modifications of and exemptions from the provisions of such law and Acts as aforesaid in their application to aircraft, to such extent and in such manner as appears necessary or expedient.

18. Savings.—(1.) This Act shall not apply to aircraft belonging to or exclusively employed in the service of His Majesty:

Provided that His Majesty may, by Order in Council, apply to any such aircraft, with or without modification, any of the provisions of this Act or of any orders or regulations made thereunder.

(2.) Nothing in this Act, or in any orders or regulations thereunder, shall prejudice or affect the rights, powers, or privileges of any general or local lighthouse authority.

AIR NAVIGATION.

Order in Council under the Air Navigation Act, 1920 (10 & 11 Geo. 5, c. 80), applying, with adaptations, the provisions of the Merchant Shipping Act, 1894 (57 & 58 Vict., c. 60), as to Wreck and Salvage, to Aircraft.

At the Court at Buckingham Palace, the 10th day of August, 1921.

Present,

The King's Most Excellent Majesty in Council.

Whereas by the Air Navigation Act, 1920, it is enacted that the law relating to wreck and to salvage of life or property and to the duty of rendering assistance to vessels in distress (including the provisions of the Merchant Shipping Acts, 1894 to 1916, and any other Act relating to those subjects) shall apply to aircraft on or over the sea or tidal waters as

it applies to vessels, and the owner of an aircraft shall be entitled to a reasonable reward for salvage services rendered by the aircraft to any property or persons in any case where the owner of a ship would be so entitled, provided that provision may be made by Order in Council for making modifications of and exemptions from the provisions of such law and Acts as aforesaid in their application to aircraft to such extent and in such manner as appears necessary or expedient:

And whereas by the same Act it is also enacted that His Majesty may, by Order in Council, make provision as to the Courts in which proceedings may be taken for enforcing any claim under the Act or any other claim in respect of aircraft and in particular may provide for conferring jurisdiction in any such proceedings on any Court exercising Admiralty jurisdiction and applying to such proceedings any rules of practice or procedure applicable to proceedings in Admiralty:

And whereas it appears expedient to make, in the application to aircraft of the law relating to wreck and to salvage, the modifications and exemptions and provisions hereinafter contained, and to confer jurisdiction in such matters as hereinafter appears:

And whereas the provisions of Section one of the Rules Publication Act, 1893 (56 & 7 Vict. c. 66), have been complied with:

Now, therefore, His Majesty by virtue of the powers in this behalf by the said Act or otherwise in Him vested, by and with the advice of His Privy Council is pleased to order, and it is hereby ordered, as follows:—

(1.) Section 557 of the Merchant Shipping Act, 1894, shall apply to aircraft and the word "ship" in the said Section shall include aircraft provided that in sub-sections (1) and (2) of the said Section the words "Air Council" shall be substituted for the word "Admiralty."

(2.) Every Court having Admiralty jurisdiction shall have jurisdiction over claims under Section 11 of the Air Navigation Act, 1920, and this Order.

(3.) The jurisdiction conferred by the said Act and by this Order may be exercised either by proceedings in rem or by proceedings in personam, provided that where the jurisdiction of any Court is limited as to the amount of the claim or as to the value of the property saved, the jurisdiction conferred by the said Act and by this Order shall be limited in the like manner.

(4.) The powers of all such Courts and the rules of practice and procedure for the time being in force in regard to the Admiralty jurisdiction of those Courts shall apply and be extended with such modification as may be necessary to claims under Section 11 of the Air Navigation Act, 1920, and this Order.

(5.) The expression "wreck" in Sections 510 to 516, both inclusive, and in Sections 518 to 537, both inclusive, of the Merchant Shipping Act, 1894, as amended by subsequent legislation (but save and except in so far as those Sections relate to the claims of any Admiral, Vice-Admiral, Lord of the Manor, heritable proprietor duly infeft, or any other person to unclaimed wreck for his own use) shall include any aircraft or any part thereof or cargo thereof found lying derelict, and any aircraft or any part thereof or cargo thereof shall be deemed to be wreck within the meaning of the said Sections when it is found lying derelict, upon or near the shores of the seas surrounding the United Kingdom or the tidal waters thereof or any ports or harbours thereof.

(6.) Section 518 of the Merchant Shipping Act, 1894, shall apply to any aircraft or any part thereof or cargo thereof found derelict at sea outside the limits of the United Kingdom and brought within the limits of the United Kingdom.

(7.) In their application to aircraft, Sections 511 (2) and 536 (1) of the Merchant Shipping Act, 1894, shall have effect as though for references to the master of the vessel there were substituted references to the commander or person in charge of the aircraft.

(8.) In its application to aircraft, Section 516 of the Merchant Shipping Act, 1894, shall have effect as though the words "commissioned officer on full pay in the Air Service of His Majesty" were inserted after the words "justice of the peace."

(9.) The provisions of Section 517 of the Merchant Shipping Act, 1894, shall not apply in the case of aircraft.

(10.) The term "vessel" in Sections 530 to 532 of the Merchant Shipping Act, 1894, both inclusive, shall include any aircraft.

(11.) The provisions of Sections 538 to 543, both inclusive, of the Merchant Shipping Act, 1894, shall not apply in the case of aircraft.

(12.) In their application to aircraft, Sections 548 (2) and 550 (3) of the Merchant Shipping Act, 1894, shall have effect as though for the word "maritime" there were substituted the word "aeronautical."

(13.) The provisions of Section 6 of the Maritime Conventions Act, 1911 (1 & 2 Geo. 5 c. 57), and of Section 5 of the Merchant Shipping (Convention) Act, 1914 (4 & 5 Geo. 5 c. 50), shall not apply in the case of aircraft.

ALMERIC FITZROY.

THE AIR NAVIGATION (INVESTIGATION OF ACCIDENTS) REGULATIONS, 1922, DATED JUNE 28, 1922, MADE BY THE SECRETARY OF STATE FOR AIR, FOR THE INVESTIGATION OF ACCIDENTS, PURSUANT TO SECTION 12 OF THE AIR NAVIGATION ACT, 1920 (10 & 11 GEO. 5. C. 80), *as amended by* THE AIR NAVIGATION (INVESTIGATION OF ACCIDENTS) REGULATIONS, 1925, DATED NOVEMBER 1, 1925.

In pursuance of the powers conferred upon me by the Air Navigation Act, 1920, and all other powers enabling me in that behalf, I the Right Honourable Frederick Edward Guest, one of His Majesty's Principal Secretaries of State make the following Regulations.

Application of Regulations.

1. These regulations shall apply to accidents arising out of or in the course of air navigation which occur in or over the British Islands, or which occur elsewhere to British aircraft registered in the British Islands.

Notification of Accidents.

2.—(1.) Where an accident to which these regulations apply occurs, and involves death or personal injury to any person, whether carried in the aircraft or not, or such serious structural damage to the aircraft as is hereinafter mentioned, or is believed on reasonable grounds to have been caused or contributed to by the failure in the air of any part of the aircraft, the pilot, or, if the pilot is incapacitated by injury, the owner or hirer of the aircraft—

(i) if the accident occurs in or over the British Islands shall—

(*a*) send notice thereof by telegram to the Air Ministry, and

(*b*) notify the local police; and

(ii) if the accident has occurred elsewhere than in or over the British Islands, shall send notice thereof in writing to the Air Ministry:

Provided that in the case of an aircraft which is engaged on hire at the time of the accident, the owner thereof shall, as between himself and the hirer and in the absence of any agreement to the contrary, be responsible for compliance with this regulation.

(2.) The notice shall be sent as soon as possible, and, if the accident occurs in or over the British Islands, within twenty-four hours after the occurrence of the accident unless the person whose duty it is to send it proves that it was not possible to send it within that time, and in any case shall state—

(i) the nationality and the registration marks of the aircraft:
(ii) the name of the owner and hirer (if any) of the aircraft:
(iii) the name of the pilot of the aircraft:
(iv) the place where the accident took place:
(v) the date and time when the accident took place:
(vi) the nature of the accident: and
(vii) whether death or personal injury was caused by the accident, and if so, to whom.

(3.) In this regulation the expression "serious structural damage" in relation to an aircraft means—

(i) the telescoping or breaking apart of the fuselage; or
(ii) the breaking of a main spar; or
(iii) the breaking of any part of the controls; or
(iv) damage by fire to any part of the aircraft.

3. Where an accident to which these regulations apply occurs in or over the British Islands, and involves any such serious structural damage to the aircraft as aforesaid—

(*a*) The aircraft shall not, except under the authority of the Secretary of State, be removed or otherwise interfered with, until the expiration of three days after notice of the accident has been given in accordance with these regulations, and in any particular case in which the Secretary of State so directs, it shall not be removed or otherwise interfered with until the expiration of such longer period as may be so directed:

Provided that—

(i) the aircraft or any parts thereof may be removed or interfered with so far as may be necessary for the purpose of extricating persons or animals involved, removing any mails carried by the aircraft, preventing destruction by fire or other cause, or preventing any danger or obstruction to the public; and

(ii) goods or passengers' baggage may be removed from the aircraft under the supervision of an officer of police, but, in the case of an aircraft which has come from a place outside the United Kingdom, shall not be removed from the vicinity of the aircraft except on clearance by or with the consent of an officer of Customs and Excise;

(*b*) The Secretary of State may authorise any person, so far as may be necessary for the purposes of any investigation under these regulations, to take measures for the preservation of the aircraft and to have access to, examine, remove, or otherwise deal with the aircraft.

Provided that if an aircraft is wrecked on the water, the aircraft or any parts or contents thereof may be removed to such extent as may be necessary for bringing it or them to a place of safety.

Preliminary Investigation.

4.—(1.) Where an accident to which these regulations apply occurs, a person generally or specially appointed by the Secretary of State for the purpose, (in these regulations referred to as an Inspector of Accidents), may, whether or not such accident is one notice whereof is required to be given under these regulations, hold a preliminary investigation of such accident.

(2.) An investigation under this regulation shall be conducted in such manner that if a charge is made or is likely to be made against any person, that person shall have an opportunity of being present and of making any statement, or giving any evidence, and producing witnesses on his behalf.

5. For the purpose of his preliminary investigation an Inspector of Accidents shall have power:—

(*a*) by summons under his hand to require the attendance of any person who is the owner, hirer, or one of the owners or hirers, of any aircraft concerned in the accident, or is in the employment of such owner or hirer, and whom he thinks fit to call before him and examine, and to require answers or returns to such inquiries as he thinks fit to make from any such person;

(*b*) to require any such person to make and sign a declaration of the truth of the statements made by him in his examination;

(*c*) to require the production of all books, papers and documents of any owner or hirer of any aircraft concerned in the accident which he considers material;

(*d*) to have access to and examine any aircraft concerned in the accident and the place where the accident occurred.

6.—(1.) Upon concluding his preliminary investigation the Inspector of Accidents shall make a report thereon to the Secretary of State, who may cause the whole or any part of such report to be made public in such manner as he thinks fit.

(2.) A report under this regulation may include a recommendation for the cancellation, suspension or endorsement of any licence or certificate.

Formal Investigation.

7. Where it appears to the Secretary of State that it is expedient to hold a formal investigation of an accident to which these regulations apply, he may, whether or not a preliminary investigation has taken place, by order direct a formal investigation to be held; and with respect to any such formal investigation the following provisions shall have effect:—

(1.) The Secretary of State shall appoint a competent person, in these regulations referred to as "the Court," to hold the investigation, and may appoint one or more persons possessing legal, aeronautical, engineering, or other special knowledge to act as assessors, and may direct that the Court and the assessors shall receive such remuneration as the Secretary of State, with the approval of the Treasury, may determine;

(2.) The Court shall hold the investigation in open court in such manner and under such conditions as the Court may think most effectual for ascertaining the causes and circumstances of the accident and enabling the Court to make the report hereinafter mentioned;

(3.) (i) The Court shall have for the purpose of the investigation all the powers of a court of summary jurisdiction when acting as a court in the exercise of its ordinary jurisdiction, and all the powers of an inspector under the Railway Regulation Acts, 1840 to 1889, and without prejudice to those powers the Court may

(*a*) enter and inspect, or authorise any person to enter and inspect, any place or building the entry or inspection whereof appears to the Court requisite for the purpose of the investigation;

(*b*) by summons, require the attendance as witnesses of all such persons as the Court thinks fit to call and examine, and require such persons to answer any question or furnish any information or produce any books, papers, and documents which the Court may consider relevant;

(c) administer an oath to any such witness, or require any witness to make and sign a declaration of the truth of the statements made by him in his examination;

(ii) The assessors shall have the same powers of entry and inspection as the Court;

(4.) When a preliminary investigation has been held, the Inspector of Accidents on whose report the formal investigation was directed to be held shall superintend the management of the case on behalf of the Secretary of State, and shall render to the Court such assistance as is in his power;

(5.) The investigation shall be conducted in such manner that, if a charge is made or likely to be made against any person, that person shall have an opportunity of being present and of making any statement or giving any evidence and producing witnesses on his behalf;

(6.) Every person attending as a witness before the Court shall be allowed such expenses as would be allowed to a witness attending before a Court of Record, and in case of dispute as to the amount to be allowed, the same shall be referred by the Court to a Master of the Supreme Court, who on request signed by the Court shall ascertain and certify the proper amount of the expenses; Provided that, in the case of the owner or hirer of any aircraft concerned in the accident and of any person in his employment, any such expenses may be disallowed if the Court, in its discretion, so directs;

(7.) The Court shall make a report to the Secretary of State stating its findings as to the causes of the accident and the circumstances thereof, and adding any observations and recommendations which the Court thinks fit to make with a view to the preservation of life and the avoidance of similar accidents in future, including a recommendation for the cancellation, suspension or endorsement of any licence or certificate;

(8.) The assessors (if any) shall either sign the report with or without reservations or state in writing their dissent therefrom and their reasons for such dissent, and such reservations or dissent and reasons (if any) shall be forwarded to the Secretary of State with the report. The Secretary of State may cause any such report and reservations or dissent and reasons (if any) to be made public, wholly or in part, in such a manner as he thinks fit;

(9.) The Court may order any costs and expenses incurred in and about the investigation (including any remuneration payable to any person appointed to hold the investigation or to act as assessor) to be paid by any person summoned before it, if it finds that the accident was due to the act or default or negligence of that person; and any such order shall, on the application of any person entitled to the benefit thereof, be enforced by a court of summary jurisdiction as if the costs and expenses were a penalty imposed by the Court; but subject to any such order such costs and expenses shall be deemed to be part of the expenses of the Secretary of State in the exercise of his powers under the Act.

General.

8.—(1.) A person shall not obstruct or impede the Court or an Inspector of Accidents or an Assessor or any person acting under the authority of the Secretary of State in the exercise of any powers or duties under these regulations.

(2.) A person shall not without reasonable excuse (proof whereof shall lie on him) fail, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a Court or an Inspector of Accidents holding an investigation under these regulations.

9. If any person contravenes or fails to comply with these regulations or any provision thereof he is liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a term not exceeding three months.

10.—(1.) In these regulations, unless the context otherwise requires—

"The Act" means the Air Navigation Act, 1920, and includes any order or regulation made under the Act;

"Secretary of State" includes, in relation to any purpose of these regulations, other than the appointment of an Inspector of Accidents, any person authorised by the Secretary of State for that purpose;

References to the British Islands include references to the territorial waters adjacent thereto.

(2.) The Interpretation Act, 1889 (52 & 53 Vict. c. 63) shall apply for the purpose of the interpretation of these regulations as it applies for the purpose of the interpretation of an Act of Parliament, and as if these regulations were an Act of Parliament.

11.—(1.) Nothing in these regulations shall limit the powers of any authority under Sections 530 to 537 inclusive of the Merchant Shipping Act, 1894 (57 & 58 Vict. c. 60), or any enactment amending those sections.

(2.) Nothing in these regulations shall limit the power of the Secretary of State under the Act, or any Order made thereunder, of cancelling, suspending or endorsing any licence or certificate.

12. In the application of these regulations to Scotland:—

(*a*) "Court of Summary Jurisdiction" shall mean the sheriff and "Master of the Supreme Court" shall mean auditor of the sheriff court, and a reference to a witness attending before a Court of Record shall be construed as a reference to a witness attending an enquiry under the Fatal Accidents Inquiry (Scotland) Act, 1895 (58 & 59 Vict. c. 36);

(*b*) Any order under paragraph (9) of Regulation 7 may be enforced in like manner as if the same were a decree of the sheriff's small debt court, and for that purpose a copy of the order certified by the Court shall be equivalent to an extract of such decree.

13.—(1) In these regulations the expressions "British Islands" and "United Kingdom" shall not include the Channel Islands or any part of Ireland other than Northern Ireland:

Provided that if His Majesty in Council is pleased by Order in Council to apply these regulations to the Channel Islands subject to such modifications as He may consider necessary to adapt them to the local circumstances thereof, these regulations shall extend to the Channel Islands by virtue of, and subject to the modifications contained in, such Order in Council and not otherwise.

(2.) In the application of these regulations to Northern Ireland the expression "master of the Supreme Court" shall mean a taxing master of the Supreme Court of Judicature of Northern Ireland.—(*Air Navigation (Investigation of Accidents) Regulations,* 1925.)

14. These regulations may be cited as the Air Navigation (Investigation of Accidents) Regulations, 1922, and shall come into operation on the twelfth day of July, 1922.

Frederick Guest,
One of His Majesty's Principal Secretaries of State.

Air Ministry,
London, W.C.2.
28th June, 1922.

APPENDIX B.

LIST OF FORMS USED IN CONNECTION WITH WRECKS AND INQUIRIES.

	Name of Form.	Initial Letters and Numbers.
*Casualty Returns.	Collisions on the Coasts of the United Kingdom	Wr. 1a.
	Do. Abroad	Wr. 1b.
	Founderings near the Coasts of the United Kingdom ...	Wr. 1c.
	Do. Abroad	Wr. 1d.
	Missing Vessels	Wr. 1e.
	Strandings on Coasts of the United Kingdom	Wr. 1f.
	Do. Abroad	Wr. 1g.
	Miscellaneous Casualties on Coasts of the United Kingdom	Wr. 1h.
	Do. Abroad	Wr. 1i.
	*Report by Skipper : Casualty, Death, &c., Fishing boat ...	Wr. 1k.
	Depositions (sec. 517, M. S. Act, 1894)	Wr. 2.
	Request for additional particulars	Wr. 3.
	Summons for Depositions (sec. 517, M. S. Act, 1894) ...	Wr. 4.
	*Daily Report of Wreck or other Articles salved and Delivered to a Receiver, including Salvor's Report	Wr. 5.
	Authority to search for Concealed Wreck	Wr. 6.
	Deputy Receiver's Weekly Report to Head Receiver, of Wreck, &c., taken into possession	Wr. 7.
	Report to Custom House, and Lloyd's, of Wreck in Receiver's custody	Wr. 8.
	*†Receiver's Report Book...	Wr. 10.
	*Salvor's Warrant	Wr. 10a.
	Report to Lord of Manor...	Wr. 12.
	*Application to detain Vessel till Salvage Claims settled ...	Wr. 13.
	*Application for Appointment of a Valuer	Wr. 14.
	Appointment of a Valuer	Wr. 15.
	Valuation Certificate	Wr. 16.
	*Claim for Travelling Expenses and Subsistence Allowances, Receivers and Coastguard	Wr. 17 and 18.
	Remuneration for Depositions and Casualty Returns (Persons not in the service of the Crown)	Wr. 19.
	Guarantee by Lord of Manor	Wr. 21.
	Proceeds of Sale claimed by Lord of Manor	Wr. 22.
	Claim to Wreck or other Property	Wr. 24 and 25.
	*Report on Salvage of Life on the Coasts of the United Kingdom	Wr. 32.
	*Notice to Beachmen as to Wreck	Wr. 38.
	*Wreck and Salvage notice	Wr. 39.
	*Notice respecting wrecked Property	Wr. 40.
	* Do. (Welsh)	Wr. 42.
	Notice to attend to make a Deposition	Wr. 49.
	*Chart showing the Home limits of the Wreck Register ...	Wr. 50.
	Report respecting Casualties to be handed to Lloyd's Agent ...	Wr. 52.
	*Particulars of Services rendered in Saving Life at Sea ...	Wr. 53.
	Casualty, Report to Principal Officer	Wr. 58.
	*Report *re* Derelicts, Wreckage or Ice	Wr. 60.
	Application to Sell, Write off, &c., Wreck	Wr. 61.

* These forms are also supplied to the Coastguard direct from the Superintendent of Stores.

† Bound books.

Name of Form.			Initial Letters and Numbers.
Certificate of Payment of Salvage to Receiver			Wr. 0.
Bond to secure Payment of Salvage			Wr. 01.
*Caution *re* Purchasing Wreck, Poster			—
Administration of Oath Card			—
Payments on account of Wreck	See Order Book for Account Forms.	Sch. 10	
Receipts on account of Wreck		„ 13	
Application for Imprest		„ F2	
Advice of Remittance		„ F3	
Receipt for Incidental Expenses		„ F16	
Do. Sums under the M S. Acts ...		„ F24	
PRELIMINARY INQUIRIES.			
*Statement on Oath, under Sec. 465			Inq. 1.
*Summons to attend a Preliminary Inquiry			Inq. 2.
*Notice to attend Preliminary Inquiry			Inq. 5.
(Inq. 6, 7, 9, 10, 11 and 12 are for the use of Superintendents of Mercantile Marine Offices).			
*Book for Ordering Wreck, Salvage and Inquiry Forms ...			O.B.

* These forms are also supplied to the Coastguard direct from the Superintendent of Stores.

CLASSIFICATION OF SHIPPING CASUALTIES FOR THE PURPOSES OF THE WRECK REGISTER.

"*At Home*" embraces the cases which happen within the limits shown by the dotted line on Chart Wr. 50.

"*Abroad*" embraces the cases which happen beyond those limits.

(*a.*) COLLISIONS.		(*b.*) FOUNDERINGS.		(*c.*) MISSING VESSELS.	(*d.*) STRANDINGS.		(*e.*) MISCELLANEOUS.	
At Home. 1.	Abroad. 2.	At Home. 3.	Abroad. 4.	5.	At Home. 6.	Abroad. 7.	At Home. 8.	Abroad. 9.
Collisions between ships.		Founderings (other than those which result from collision, stranding, accidents to machinery or boilers, fire, or striking on any sunken wreck or anchor), even though the vessel be subsequently raised. Vessels which sink after capsizing. Vessels abandoned by their crews on the point of foundering, if not subsequently heard of.		Vessels which are not heard of after sailing, or being seen, or spoken at sea.	Strandings whether through stress of weather, bad navigation, or accident, or to avoid collision or foundering. Striking against piers, quays, or perpendicular cliffs, or on anchors, or sunken wrecks. Abandoned vessels driven on shore.		Fire, irrespective of result. Scuttling and intentional damage to vessels. Striking against derelict vessels or floating wreckage. Contact with ice. Leakage (except when the vessel founders or is run ashore for safety). Loss of masts, sails, boats, bulwarks, &c. Loss of anchors and chains. Vessels which have capsized, but have not sunk. Damage to machinery or boilers. Fouling of anchors or buoys. Shifting of cargo. Derelict vessels brought into port.	

APPENDIX C.

ORDER IN COUNCIL CONTAINING THE REGULATIONS FOR PREVENTING COLLISIONS AT SEA.

The Order in Council of 13th October, 1910, reproduces the regulations for preventing collisions at sea and the regulations relating to distress signals which have been in force since 1897, and also embodies, in articles 8 and 9 respectively, the regulations as to the lights of steam pilot vessels and the lights and signals of fishing-vessels which were enacted by Order in Council in 1892 and 1906 respectively. It also applies the regulations, with certain reservations, to the vessels of a large number of foreign countries.

No alteration has been made in the requirements of the regulations affecting British vessels.

The previous Orders in Council respecting collision regulations and signals of distress are obsolete.

At the Court at St. James's, the 13th day of October, 1910.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas by Section 418 of the Merchant Shipping Act, 1894, His Majesty is empowered from time to time on the joint recommendation of the Admiralty and the Board of Trade by Order in Council to make regulations for preventing collisions at sea, in the said Act referred to as Collision Regulations:

And whereas by Section 424 of the said Act it is provided that whenever it is made to appear to His Majesty in Council that the Government of any foreign country is willing that the said regulations or any of them should apply to the ships of that country when beyond the limits of British jurisdiction, His Majesty may, by Order in Council, direct that those regulations shall, subject to any limitation of time, conditions and qualifications contained in the Order, apply to the ships of the said foreign country, whether within British jurisdiction or not, and that such ships shall for the purpose of such regulations be treated as if they were British ships:

And whereas by Section 434 of the said Act His Majesty is empowered from time to time by Order in Council to make rules as to signals of distress:

And whereas by Section 734 of the said Act it is provided that where it has been made to appear to His Majesty that the Government of any foreign country is desirous that any of the provisions of that Act which do not apply to the ships of that country, should so apply, and there are no special provisions in the Act for that application, His Majesty in Council may order that such of the provisions as are in the Order specified shall (subject to the limitations, if any, contained therein) apply to the ships of that country, and to the owners, masters, seamen, and apprentices of those ships, when not locally within the jurisdiction of the government of that country, in the same manner in all respects as if those ships were British ships:

And whereas by Section 738 of the said Act it is provided that where His Majesty has power under that Act or any Act amending the same, to make an Order in Council His Majesty may from time to time make that Order in Council and by Order in Council revoke, alter or add to any Order so made:

And whereas by the said last-mentioned Section it is further provided that subject to any special provisions of that Act upon the publication of any such Order the Order shall as from the date of its publication or any later date mentioned in the Order take effect as if it were enacted by Parliament:

And whereas by an Order in Council dated the 27th day of November, 1896, regulations for preventing collisions at sea and as to distress signals were made as regards British ships and boats, and by a subsequent Order dated the 7th day of July, 1897, these regulations were extended, subject to the limitations stated in the Order, to the ships of the several countries specified in Schedule III. to the last mentioned Order:

And whereas by Orders in Council dated respectively the 18th day of August, 1892, the 7th day of July, 1897, and the 4th day of April, 1906, other regulations for the prevention of collisions were made as regards British ships:

And whereas it is expedient to consolidate the regulations which have been made as regards British ships:

And whereas it has been made to appear to His Majesty that the Governments of the several countries mentioned in Schedule II. hereto annexed are willing that the regulations and rules contained in Schedule I. should, subject to the qualifications mentioned in the aforesaid Schedule I. and to the proviso in the case of Chinese ships that the application of the regulations and rules shall be limited to ships of foreign type, apply to the ships of those countries when beyond the limits of British jurisdiction:

And whereas the provisions of Section one of the Rules Publication Act, 1893, have been complied with:

Now therefore His Majesty, by virtue of the powers conferred on Him by the aforesaid Act, and on the joint recommendation of the Admiralty and the Board of Trade, and by and with the advice of His Privy Council, is pleased to direct that the collision regulations and the rules as to signals of distress contained in Schedule I. to this Order shall apply to all British ships:

And His Majesty is also pleased to direct that the said regulations and rules shall, subject to the aforesaid qualifications and to the proviso in the case of Chinese ships that the regulations and rules will be applicable only to ships of foreign type, apply to the ships of the countries named in Schedule II. to this Order whether they are within British jurisdiction or not, and that such ships shall for the purpose of such regulations and rules be treated as if they were British ships.

And His Majesty is further pleased to direct that this Order shall come into operation on and after the 13th day of October, 1910, and that as and from the coming into operation of this Order the Orders in Council specified in Schedule III. to this Order shall be revoked and the same shall be revoked accordingly.

Almeric FitzRoy.

Schedule I.

Preliminary.

These Rules shall be followed by all vessels upon the high seas and in all waters connected therewith, navigable by sea-going vessels.

In the following Rules every steam vessel which is under sail and not under steam is to be considered a sailing vessel, and every vessel under steam, whether under sail or not, is to be considered a steam vessel.

The word "steam vessel" shall include any vessel propelled by machinery.

A vessel is "under way" within the meaning of these Rules, when she is not at anchor, or made fast to the shore or aground.

The word "visible" in these Rules, when applied to lights, shall mean visible on a dark night with a clear atmosphere.

Article 1. The Rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited.

Article 2. A steam vessel when under way shall carry—

(*a*) On or in front of the foremast, or if a vessel without a foremast, then in the fore part of the vessel, at a height above the hull of not less than 20 feet, and if the breadth of the vessel exceeds 20 feet, then at a height above the hull not less than such breadth, so, however, that the light need not be carried at a greater height above the hull than 40 feet, a bright white light, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel, viz., from right ahead to 2 points abaft the beam on either side, and of such a character as to be visible at a distance of at least 5 miles.

(*b*) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.

(*c*) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 pionts of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

(*d*) The said green and red side-lights shall be fitted with inboard screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bow.

(*e*) A steam vessel when under way may carry an additional white light similar in construction to the light mentioned in sub-division (*a*). These two lights shall be so placed in line with the keel that one shall be at least 15 feet higher than the other, and in such a position with reference to each other that the lower light shall be forward of the upper one. The vertical distance between these lights shall be less than the horizontal distance.

Article 3. A steam vessel when towing another vessel shall, in addition to her side-light, carry two bright white lights in a vertical line one over the other, not less than 6 feet apart, and when towing more than one vessel shall carry an additional bright white light 6 feet above or below such lights, if the length of the tow, measuring from the stern of the towing vessel to the stern of the last vessel towed, exceeds 600 feet. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light mentioned in Article 2 (*a*), except the additional light, which may be carried at a height of not less than 14 feet above the hull.

Such steam vessel may carry a small white light abaft the funnel or aftermast for the vessel towed to steer by, but such light shall not be visible forward of the beam.

Article 4.—(*a*) A vessel which from any accident is not under command shall carry at the same height as the white light mentioned in Article 2 (*a*), where they can best be seen, and, if a steam vessel, in lieu of that light, two red lights, in a vertical line one over the other, not less than 6 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles; and shall by day carry in a vertical line one over the other not less than 6 feet apart, where they can best be seen, two black balls or shapes each 2 feet in diameter.

(*b*) A vessel employed in laying or in picking up a telegraph cable shall carry in the same position as the white light mentioned in Article 2 (*a*), and if a steam vessel, in lieu of that light, three lights in a vertical line one over the other, not less than 6 feet apart. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all round the horizon, at a distance of at least 2 miles. By day she shall carry in a vertical line one over the other, not less than 6 feet apart, where they can best be seen, three shapes not less than 2 feet in diameter, of which the highest and lowest shall be globular in shape and red in colour, and the middle one diamond in shape and white.

(*c*) The vessels referred to in this Article when not making way through the water, shall not carry the side lights, but when making way shall carry them.

(*d*) The lights and shapes required to be shown by this Article are to be taken by other vessels as signals that the vessel showing them is not under command and cannot therefore get out of the way.

These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in Article 31.

Article 5. A sailing vessel under way, and any vessel being towed, shall carry the same lights as are prescribed by Article 2 for a steam vessel under way, with the exception of the white lights mentioned therein, which they shall never carry.

Article 6. Whenever, as in the case of small vessels under way during bad weather, the green and red side-lights cannot be fixed, these lights shall be kept at hand lighted and ready for use; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor, if practicable, more than 2 points abaft the beam on their respective sides.

To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the colour of the light they respectively contain, and shall be provided with proper screens.

Article 7. Steam vessels of less than 40, and vessels under oars, or sails of less than 20, tons gross tonnage, respectively, and rowing boats, when under way, shall not be obliged to carry the lights mentioned in Article 2 (*a*) (*b*) and (*c*), but if they do not carry them they shall be provided with the following lights:—

1. Steam vessels of less than 40 tons shall carry:

(*a*) In the fore part of the vessel, or on or in front of the funnel, where it can best be seen, and at a height above the gunwale of not less than 9 feet, a bright white light constructed and fixed as prescribed in Article 2 (*a*), and of such a character as to be visible at a distance of at least 2 miles.

(*b*) Green and red side-lights constructed and fixed as prescribed in Article 2 (*b*) and (*c*), and of such a character as to be visible at a distance of at least 1 mile, or a combined lantern showing a green light and a red light from right ahead to 2 points abaft the beam on their respective sides. Such lantern shall be carried not less than 3 feet below the white light.

2. Small steamboats, such as are carried by sea-going vessels, may carry the white light at a less height than 9 feet above the gunwale, but it shall be carried above the combined lantern, mentioned in sub-division 1 (*b*).

3. Vessels under oars or sails, of less than 20 tons, shall have ready at hand a lantern with a green glass on one side and a red glass on the other, which, on the approach of or to other vessels, shall be exhibited in sufficient time to prevent collision, so that the

green light shall not be seen on the port side nor the red light on the starboard side.

4. Rowing boats, whether under oars or sail, shall have ready at hand a lantern showing a white light, which shall be temporarily exhibited in sufficient time to prevent collision.

The vessels referred to in this Article shall not be obliged to carry the lights prescribed by Article 4 (*a*), and Article 11, last paragraph.

Article 8. Pilot-vessels, when engaged on their station on pilotage duty, shall not show the lights required for other vessels, but shall carry a white light at the masthead, visible all round the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed fifteen minutes.

On the near approach of or to other vessels they shall have their side-lights lighted, ready for use, and shall flash or show them at short intervals, to indicate the direction in which they are heading, but the green light shall not be shown on the port side, nor the red light on the starboard side.

A pilot-vessel of such a class as to be obliged to go alongside of a vessel to put a pilot on board, may show the white light instead of carrying it at the masthead, and may, instead of the coloured lights above mentioned, have at hand ready for use a lantern with a green glass on the one side and a red glass on the other, to be used as prescribed above.

A steam-pilot vessel exclusively employed for the service of pilots licensed or certified by any pilotage authority or the Committee of any pilotage district, when engaged on her station on pilotage duty and not at anchor, shall, in addition to the lights required for all pilot boats, carry at a distance of eight feet below her white masthead light a red light visible all round the horizon and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least two miles, and also the coloured side-lights required to be carried by vessels when under way.

When engaged on her station on pilotage duty and at anchor she shall carry, in addition to the lights required for all pilot boats, the red light above mentioned, but not the coloured side-lights.

Pilot-vessels, when not engaged on their station on pilotage duty, shall carry lights similar to those of other vessels of their tonnage.

Article 9.*† Fishing-vessels and fishing-boats, when under way and when not required by this Article to carry or show the lights herein-after specified shall carry or show the lights prescribed for vessels of their tonnage under way.

(*a*) Open boats, by which it is to be understood boats not protected from the entry of sea water by means of a continuous deck, when engaged in any fishing at night with outlying tackle extending not more than 150 feet horizontally from the boat into the seaway, shall carry one all-round white light.

Open boats, when fishing at night, with outlying tackle extending more than 150 feet horizontally from the boat into the seaway, shall carry one all-round white light, and in addition, on approaching or being approached by other vessels, shall show a second white light at least 3 feet below the first light and at a horizontal distance of at least 5 feet away from it in the direction in which the outlying tackle is attached.

(*b*)‡ Vessels and boats, except open boats as defined in sub-division (*a*), when fishing with drift-nets, shall, so long as the nets are wholly or partly in the water, carry two white lights where they can best be seen: Such lights shall be placed so that the vertical distance between them shall be not less than 6 feet and not more than 15 feet, and so that the horizontal distance between them,

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* This article does not apply to Chinese or Siamese vessels.

† The expression "Mediterranean Sea" contained in sub-sections (*b*) and (*c*) of this Article includes the Black Sea and the other adjacent inland seas in communication with it.

‡ Dutch vessels and boats when engaged in the "kol," or hand-line, fishing will carry the lights prescribed for vessels fishing with drift nets.

measured in a line with the keel, shall be not less than 5 feet and not more than 10 feet. The lower of these two lights shall be in the direction of the nets, and both of them shall be of such a character as to show all round the horizon, and to be visible at a distance of not less than 3 miles.

Within the Mediterranean Sea and in the seas bordering the coasts of Japan and Korea* sailing fishing vessels of less than 20 tons gross tonnage shall not be obliged to carry the lower of these two lights; should they, however, not carry it, they shall show in the same position (in the direction of the net or gear) a white light, visible at a distance of not less than one sea mile, on the approach of or to other vessels.

(*c*) Vessels and boats, except open boats as defined in sub-division (*a*), when line-fishing with their lines out and attached to or hauling their lines, and when not at anchor or stationary within the meaning of sub-division (*h*), shall carry the same lights as vessels fishing with drift nets. When shooting lines, or fishing with towing lines, they shall carry the lights prescribed for a steam or sailing vessel under way respectively.

Within the Mediterranean Sea and in the seas bordering the coasts of Japan and Korea* sailing fishing vessels of less than 20 tons gross tonnage shall not be obliged to carry the lower of these two lights; should they, however, not carry it, they shall show in the same position (in the direction of the lines) a white light, visible at a distance of not less than one sea mile on the approach of or to other vessels.

(*d*) Vessels, when engaged in trawling, by which is meant the dragging of an apparatus along the bottom of the sea—

1. If steam vessels, shall carry in the same position as the white light mentioned in Article 2 (*a*), a tricoloured lantern so constructed and fixed as to show a white light from right ahead to two points on each bow, and a green light and a red light over an arc of the horizon from two points on each bow or two points abaft the beam on the starboard and port sides respectively; and not less than 6 nor more than 12 feet below the tricoloured lantern a white light in a lantern, so constructed as to show a clear uniform and unbroken light all round the horizon.

2. If sailing vessels, shall carry a white light in a lantern, so constructed as to show a clear uniform and unbroken light all round the horizon, and shall also, on the approach of or to other vessels, show where it can best be seen a white flare-up light or torch in sufficient time to prevent collision.

All lights mentioned in sub-division (*d*) 1 and 2 shall be visible at a distance of at least 2 miles.

(*e*) Oyster dredgers and other vessels fishing with dredge-nets shall carry and show the same lights as trawlers.

(*f*) Fishing-vessels and fishing-boats may at any time use a flare-up light in addition to the lights which they are by this Article required to carry and show, and they may also use working lights.

(*g*) Every fishing-vessel and every fishing-boat under 150 feet in length, when at anchor, shall exhibit a white light visible all round the horizon at a distance of at least one mile.

Every fishing-vessel of 150 feet in length or upwards, when at anchor, shall exhibit a white light visible all round the horizon at a distance of at least one mile, and shall exhibit a second light as provided for vessels of such length by Article 11.

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* Also, as regard Russian vessels, in the seas (excluding the Baltic) bordering the coasts of Russia.

Should any such vessel, whether under 150 feet in length, or of 150 feet in length or upwards, be attached to a net or other fishing gear, she shall on the approach of other vessels show an additional white light at least 3 feet below the anchor light, and at a horizontal distance of at least 5 feet away from it in the direction of the net or gear.

(*h*) If a vessel or boat when fishing becomes stationary in consequence of her gear getting fast to a rock or other obstruction, she shall in daytime haul down the day-signal required by sub-division (*k*); at night show the light or lights prescribed for a vessel at anchor; and during fog, mist, falling snow, or heavy rain-storms make the signal prescribed for a vessel at anchor. (*See* sub-division (*d*), and the last paragraph, of Article 15.)

(*i*) In fog, mist, falling snow, or heavy rain-storms, drift-net vessels attached to their nets, and vessels when trawling, dredging, or fishing with any kind of drag-net, and vessels line fishing with their lines out, shall, if of 20 tons gross tonnage or upwards, respectively, at intervals of not more than one minute make a blast; if steam vessels, with the whistle or siren, and if sailing vessels, with the fog-horn; each blast to be followed by ringing the bell. Fishing vessels and boats of less than 20 tons gross tonnage shall not be obliged to give the above-mentioned signals; but if they do not, they shall make some other efficient sound signal at intervals of not more than one minute.

(*k*) All vessels or boats fishing with nets or lines or trawls, when under way, shall in daytime indicate their occupation to an approaching vessel by displaying a basket or other efficient signal where it can best be seen. If vessels or boats at anchor have their gear out, they shall, on the approach of other vessels, show the same signal on the side on which those vessels can pass.

The vessels required by this Article to carry or show the lights hereinbefore specified shall not be obliged to carry the lights prescribed by Article 4 (*a*), and the last paragraph of Article 11.

Article 10. A vessel which is being overtaken by another shall show from her stern to such last-mentioned vessel a white light or a flare-up light.

The white light required to be shown by this Article may be fixed and carried in a lantern, but in such case the lantern shall be so constructed, fitted, and screened that it shall throw an unbroken light over an arc of the horizon of 12 points of the compass, viz., for 6 points from right aft on each side of the vessel, so as to be visible at a distance of at least 1 mile. Such light shall be carried as nearly as practicable on the same level as the side-lights.

Article 11. A vessel under 150 feet in length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light in a lantern so constructed as to show a clear, uniform, and unbroken light visible all round the horizon at a distance of at least 1 mile.

A vessel of 150 feet or upwards in length, when at anchor, shall carry in the forward part of the vessel, at a height of not less than 20, and not exceeding 40, feet above the hull, one such light, and at or near the stern of the vessel, and at such a height that it shall be not less than 15 feet lower than the forward light, another such light.

The length of a vessel shall be deemed to be the length appearing in her certificate of registry.

A vessel aground in or near a fairway shall carry the above light or lights and the two red lights prescribed by Article 4 (*a*).

Article 12. Every vessel may, if necessary in order to attract attention, in addition to the lights which she is by these Rules required to carry, show a flare-up light or use any detonating signal that cannot be mistaken for a distress signal.

Article 13. Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and signal lights for two or more ships of war or for vessels sailing under convoy, or with the exhibition of recognition signals adopted by shipowners, which have been authorized by their respective Governments and duly registered and published.

Article 14. A steam vessel proceeding under sail only, but having her funnel up, shall carry in daytime, forward, where it can best be seen, one black ball or shape 2 feet in diameter.

Sound-Signals for Fog, &c.

Article 15. All signals prescribed by this Article for vessels under way shall be given:

1. By "steam vessels" on the whistle or siren.
2. By "sailing vessels and vessels towed" on the fog-horn.

The words "prolonged blast" used in this Article, shall mean a blast of from 4 to 6 seconds' duration.

A steam vessel shall be provided with an efficient whistle or siren, sounded by steam or some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog-horn, to be sounded by mechanical means, and also with an efficient bell.* A sailing vessel of 20 tons gross tonnage or upwards shall be provided with a similar fog-horn and bell.

In fog, mist, falling snow, or heavy rain-storms, whether by day or night, the signals described in this Article shall be used as follows, viz:—

(*a*) A steam vessel having way upon her, shall sound, at intervals of not more than 2 minutes, a prolonged blast.

(*b*) A steam vessel under way, but stopped and having no way upon her, shall sound, at intervals of not more than 2 minutes, 2 prolonged blasts, with an interval of about 1 second between them.

(*c*) A sailing vessel under way shall sound, at intervals of not more than 1 minute, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.

(*d*) A vessel, when at anchor, shall, at intervals of not more than 1 minute, ring the bell rapidly for about 5 seconds.

(*e*) A vessel, when towing, a vessel employed in laying or picking up a telegraph cable, and a vessel under way, which is unable to get out of the way of an approaching vessel through being not under command or unable to manœuvre as required by these Rules shall, instead of the signals prescribed in sub-divisions (*a*) and (*c*) of this Article, at intervals of not more than two minutes, sound three blasts in succession, viz.: one prolonged blast followed by two short blasts. A vessel towed may give this signal and she shall not give any other.

Sailing vessels and boats of less than 20 tons gross tonnage shall not be obliged to give the above-mentioned signals, but if they do not they shall make some other efficient sound-signal at intervals of not more than 1 minute.†

Speed of Ships to be Moderate in Fog, &c.

Article 16. Every vessel shall, in a fog, mist, falling snow, or heavy rain-storms, go at a moderate speed, having careful regard to the existing circumstances and conditions.

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* In all cases where the Rules require a bell to be used a drum may be substituted on board Turkish vessels, or a gong where such articles are used on board small sea-going vessels.

† Dutch steam pilot-vessels, when engaged on their station on pilotage duty in fog, mist, falling snow, or heavy rain-storms are required to make at intervals of 2 minutes at most one long blast with the siren, followed after 1 second by a long blast with the steam whistle, and again after 1 second by a long blast on the siren. When not engaged on their station on pilotage duty, they make the same signals as other steamships.

A steam vessel hearing, apparently forward of her beam, the fog-signal of a vessel the position of which is not ascertained, shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.

Steering and Sailing Rules.

Preliminary—Risk of Collision.

Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

Article 17. When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, viz. :—

(*a*) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.

(*b*) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.

(*c*) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

(*d*) When both are running free, with the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.

(*e*) A vessel which has the wind aft shall keep out of the way of the other vessel.

Article 18. When two steam vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.

This Article only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective courses, pass clear of each other.

The only cases to which it does apply are when each of the two vessels is end on, or nearly end on, to the other; in other words, to cases in which, by day, each vessel sees the masts of the other in a line, or nearly in a line, with her own; and, by night, to cases in which each vessel is in such a position as to see both the side-lights of the other.

It does not apply, by day, to cases in which a vessel sees another ahead crossing her own course; or by night, to cases where the red light of one vessel is opposed to the red light of the other, or where the green light of one vessel is opposed to the green light of the other, or where a red light without a green light, or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.

Article 19. When two steam vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

Article 20. When a steam vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, the steam vessel shall keep out of the way of the sailing vessel.

Article 21. Where by any of these Rules one of two vessels is to keep out of the way, the other shall keep her course and speed.

Note.—When, in consequences of thick weather or other causes, such vessel finds herself so close that collision cannot be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision. (*See* Articles 27 and 29.)

Article 22. Every vessel which is directed by these Rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other.

Article 23. Every steam vessel which is directed by these Rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.

Article 24. Notwithstanding anything contained in these Rules, every vessel, overtaking any other, shall keep out of the way of the overtaken vessel.

Every vessel coming up with another vessel from any direction more than two points abaft her beam, *i.e.*, in such a position, with reference to the vessel which she is overtaking, that at night she would be unable to see either of that vessel's side-lights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these Rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

As by day the overtaking vessel cannot always know with certainty whether she is forward or abaft this direction from the other vessel, she should, if in doubt, assume that she is an overtaking vessel and keep out of the way.

Article 25. In narrow channels every steam vessel shall, when it is safe and practicable, keep to that side of the fair-way or mid-channel which lies on the starboard side of such vessel.

Article 26. Sailing vessels under way shall keep out of the way of sailing vessels or boats fishing with nets, or lines, or trawls. This Rule shall not give to any vessel or boat engaged in fishing the right of obstructing a fair-way used by vessels other than fishing-vessels or boats.

Article 27. In obeying and construing these Rules, due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the above Rules necessary in order to avoid immediate danger.

Sound Signals for Vessels in Sight of one Another.

Article 28. The words "short blast" used in this Article shall mean a blast of about one second's duration.

When vessels are in sight of one another, a steam vessel under way, in taking any course authorised or required by these Rules, shall indicate that course by the following signals on her whistle or siren, viz. :—

One short blast to mean, "I am directing my course to starboard."

Two short blasts to mean, "I am directing my course to port."

Three short blasts to mean, "My engines are going full speed astern."

No Vessel under any circumstances to neglect proper Precautions.

Article 29. Nothing in these Rules shall exonerate any vessel, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by special circumstances of the case.

Reservation of Rules for Harbours and Inland Navigation.

Article 30. Nothing in these Rules shall interfere with the operation of a special rule, duly made by local authority, relative to the navigation of any harbour, river, or inland waters.

Distress Signals.

Article 31. When a vessel is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately, viz. :—

In the daytime—

1. A gun or other explosive signal fired at intervals of about a minute;

2. The International Code signal of distress indicated by NC;

3. The distant signal, consisting of a square flag having either above or below it a ball or anything resembling a ball;

4. A continuous sounding with any fog-signal apparatus.

At night—

1. A gun or other explosive signal fired at intervals of about a minute;

2. Flames on the vessel (as from a burning tar-barrel, oil-barrel, &c.);

3. Rockets or shells, throwing stars of any colour or description, fired one at a time, at short intervals;

4. A continuous sounding with any fog-signal apparatus.

SCHEDULE II.

List of countries to which the regulations contained in Schedule I. apply, subject to the limitations and conditions stated in the Order and the Schedule.

Argentine Republic.	Egypt.	Peru.
Austria-Hungary.	France.	Portugal.
Belgium.	Germany.	Roumania.
Brazil.	Greece.	Russia.
Bulgaria.	Guatemala.	Siam.
Chile.	Italy.	Spain.
China.	Japan.	Sweden.
Costa Rica.	Mexico.	Turkey.
Denmark.	Netherlands.	United States.
Ecuador.	Norway.	Venezuela.

SCHEDULE III.

Orders in Council Revoked.

Date.	Subject.
14th August, 1879 ...	Approving new regulations for British vessels, and applying them to the vessels of certain foreign countries.
27th November, 1880 ...	Applying the regulations of 1879 to the vessels of certain other foreign countries.
9th September, 1884 ...	Applying the regulations of 1884 to French vessels.
30th December, 1884 ...	Applying the same regulations to the vessels of certain other foreign countries.
19th May, 1885 ...	Applying the same regulations to the vessels of certain other foreign countries.
9th July, 1885 ...	Applying the same regulations to Turkish vessels.
17th September, 1885 ...	Applying the same regulations to Chilian vessels.
18th August, 1892 ...	Approving regulations as to the lights of British steam pilot vessels.
27th November, 1896...	Approving new regulations for British ships.
7th July, 1897... ...	Directing that the Order of 1892 shall be construed as referring to the regulations of 1896.
7th July, 1897	Applying the regulations of 1896 to the vessels of certain foreign countries.
4th April, 1906 ...	Approving new regulations for British fishing vessels.

APPENDIX D.

LIST SHOWING THE INITIAL LETTERS ASSIGNED TO VARIOUS PORTS IN FOREIGN COUNTRIES, PARTIES TO THE NORTH SEA FISHERIES CONVENTION, FOR THE PURPOSES OF REGISTRY OF SEA FISHING BOATS.

BELGIUM.

Anvers (Antwerp)	A
Blankenberghe	B
Coxyde	C
Heyst	H
Nieuport	N
Oostduinkerke	O D
Ostende	O
La Panne	P
Zeebrugge	Z

DENMARK

Aabenraa	A A
Aalborg	A
Aarhus	A S
Esbjerg	E
Frederikshavn	F N
Hadersley	H V
Helsingør	H
Hjørring	H G
Kjøbenhavn (Copenhagen)	K
Korsør	K R
Lemvig	L
Løkken	L N
Marstal	M
Middlefart	M T
Nakskov	N
Nyborg	N G
Nykjøbing (Falster)	N F
Odense	O
Ribe	R
Ringkjøbing	R I
Rudjkøbing	R U
Rønne	R O
Skagen	S
Svaneke	S E
Svendborg	S G
Thisted	T
Tønder	T R
Varde	V

(Faroe Islands.)

Thorshavn for Sydstromo-Praestegaeld	T N
Vestmanhavn for Nordstroma-Praestegaeld	V N
Sand for Sandø-Syssel	S A
Sandevaag for Vaagø-Syssel	V A
Fuglefjord for Osterø-Syssel	F D
Trangisvaag for Suderø-Syssel	T G
Klaksvig for Norderø-Syssel	K G

(Iceland.)

Reykjavik	R E
Gullbringa and Kjes Syssel and Havnefjordkøbstad	G K
Myra and Borgarfjord Syssel	M B
Snaefellsnes and Hnappadals Syssel	S H
Dala Syssel	D A
Bardastrand Syssel	B A
Isafjord Syssel and Köbstad	I S
Stranda Syssel	S T
Hunavatn Syssel	H U
Skagafjord Syssel	S K
Siglufjord	S I
Eyjafjord Syssel and Akureyri	E A
Thingö Syssel	T H
Nordurmula Syssel and Seydisfjord Köbstad	N S
Sudurmula Syssel	S U
Skaptafells Syssel	S F
Rangarvalla Syssel	R A
Arnes Syssel	A R
Vestmannö	V E

FRANCE.

(Quartier de Dunkerque.)

Syndicat de Dunkerque	D
Préposat de Gravelines	D G

(Quartier de Calais.)

Syndicat de Calais	C A L

(Quartier de Boulogne.)

Préposats d'Etaples et de Saint-Valéry-sur-Somme,	B
Syndicats de Boulogne, Cayeux, Le Crotoy et Berck	B

(Quartier de Dieppe.)

Préposat du Tréport et Syndicat de Dieppe	D I

(Quartier de Fécamp.)

Syndicats de St.-Pierre, en Port, Fécamp, Yport, Etretat et Saint-Valéry en Caux	F

(Quartier du Havre.)

Syndicat du Hâvre et Quillebœuf	H

(Quartier de Rouen.)

Syndicats de Duclair et Rouen ..... R

(Quartier de Caen.)

Préposat de Honfleur ..... H O
Préposat de Trouville ..... C T
Préposat de Grandcamp: Syndicats Dives, Caen, Port en Bessin, Ouistreham et Courseulles C

(Quartier de Cherbourg.)

Préposat de la Houge: Syndicats de Barfleur, Cherbourg et Omonville-la-Rogue ..... C H

GERMANY.

Altenwerder ..... L A
Altona ..... S D
Amrum ..... S A
Baltrum ..... A U
Bensersiel ..... A B
Blankeneese ..... S B
Borkum ..... A X
Brake ..... O B
Bremen ..... B B
Bremerhaven ..... B X
Büsum ..... S C
Carolinensiel ..... A C
Cranz a. E. ..... P C
Cuxhaven ..... H C
Ditzum ..... A H
Elmshorn ..... S E
Elsfleth ..... O E
Emden ..... A E
Finkenwärder (Hbg) ..... H F
Finkenwerder (Lüneburg) ..... L F
Friedrichsschleuse ..... A F
Geestemunde ..... P G
Glückstadt ..... S G
Greetsiel ..... A G
Hamburg ..... H H
Husum ..... S H
Juist ..... A J
Kaitum ..... S K
Kirkebj (Romö) ..... S R
Langeoog ..... A D
Leer ..... A L
Leerort ..... A M
Lübeck ..... L K
Mühlenberg ..... S M
Nessmersiel ..... A Q
Neuharlingersiel ..... A Z
Norddeich ..... A Y
Norden ..... A V
Nordenham ..... O N
Norderney ..... A N
Oldenburg ..... O O
Oldersum ..... A O
Pellworm ..... S P
Rhandermoor ..... A R
Rostock ..... R
Spiekeroog ..... A S
Terborg ..... A T
Vegesack ..... B V
Wangeroog ..... O W
Westeraccumersiel ..... A A
Wilhelmshaven ..... A W
Wyk-auf-Föhr ..... S W

NETHERLANDS.

Ameland ..... A L
Andijk ..... A K
Anna Paulowna ..... A P
Arnemuiden ..... A R M
Assendelft ..... A S
Avenhorn ..... A V
Baflo (Cr.) ..... B A F
Barradeel ..... B A R
Beerta ..... B T
Beets ..... B T S
Bergen (N.H.) ..... B G
Bergen op Zoom ..... B Z
Berkhout ..... B K H
Biervliet ..... B T E
Blankenham ..... B L
Blokker ..... B L K
Blokzijl ..... B L O
Bovenkarspel ..... B C
Breskens ..... B R
Brielle ..... B I
Broek in Waterland ..... B I W
Broek-op-Langendijk ..... B O L
Brouwershaven ..... B H
Bruinisse ..... B R U
Bunschoten ..... B U
Cadzand ..... C Z
Callantsoog ..... C G
Clinge ..... C L N
Colijnsplaat ..... C L P
Delfzijl ..... D Z
Den Bommel ..... D B
de Werken ..... D W
Diemen ..... D U
Doniawerstal ..... D O W
Doornspijk ..... D S
Dordrecht ..... D D
Dubbeldam ..... D U
Dussen ..... D U
Duivendijke ..... D N
Eemnes ..... E S
Eenrum ..... E E
Egmond aan Zee ..... E G
Elburg ..... E B
Ellewoutsdijk ..... E W D
Enkhuizen ..... E H
Ezinge ..... E Z
Finsterwolde ..... F L
Franeker ..... F R

Franckeradeel ..... F A
Gaasterland ..... G A
Geertruidenberg ..... G G
Geervliet ..... G V
Genemuiden ..... G M
Goedereede ..... G O
Goes ..... G O E
Goudswaard ..... G W D
Grafhorst ..... G T
Grauw ..... G R A
's Gravendeel ..... G D
Haamstede ..... H S
Harderwijk ..... H K
Hardinxveld ..... H D
Harlingen ..... H A
Hasselt (Ov.) ..... H A S
Heenvliet ..... H T
Heinenoord ..... H N O
Helder ..... H D
Hellevoetsluis ..... H V
Hemelumer Oldephaert en Noordwolde ..... H L
Herkingen ..... H R
Het Bildt ..... H B
Heusden ..... H S D
Hindeloopen ..... H I
Hoedekenskerke ..... H O E
Hoek van Holland (Rotterdam) ..... H v H
Hontenisse ..... H O N
Hoofdplaat ..... H P
Hoogeveen ..... H O
Hoogvliet ..... H V L
Hoogwoud ..... H W
Hoorn ..... H N
Huizen ..... H Z
IJmuiden (Velsen) ..... IJ M
IJsselmuiden ..... IJ S
Ilpendam ..... I L
Kampen ..... K P
Kattendijke ..... K D
Katwijk ..... K W
Klundert ..... K L
Kolhorn (Barsingerhorn) ..... K H
Kortgene ..... K G
Krabbendijke ..... K B
Krimpen aan de Lek ..... K A L
Kruiningen ..... K N
Kuinre ..... K U
Lemsterland ..... L E
Maasland ..... M L
Maassluis ..... M A
Marken ..... M K
Medemblik ..... M E
Melissant (L. H.) ..... M E L
Meppel ..... M P
Middelharnis ..... M D
Monnikendam ..... M O
Muiden ..... M U
Naarden ..... N D
Ter Neuzen ..... N Z
Nieuwendam ..... N I
Nieuw-Beijerland ..... N B
Nieuw-Vossemeer ..... N V
Nieuwe Schans ..... N S
Noordwijk ..... N W
Numansdorp ..... N U
Ooltgensplaat ..... O P
Oostdongeradeel ..... O L
Oosten West Souburg ..... O W S
Oosthuizen ..... O H
Oostvoorne ..... O V
Oostzaan ..... O Z
Ossendrecht ..... O S D
Oudbeijerland ..... O B L
Ouddorp ..... O D
Oudenbosch ..... O D B
Ouwerkerk ..... O K
Pernis ..... P R
Philippine ..... P I
Piershil ..... P H
Purmerend ..... P M
Putten ..... P U
Raamsdonk ..... R A
Ransdorp ..... R D
Retranchement ..... R T
Rilland Bath ..... R L
Rotterdam ..... R O
Rozenburg ..... R Z
Schellinkhout ..... S H
Schermerhorn ..... S R N
Scherpenisse ..... S I
Scheveningen ('s Gravenhage) ..... S C H
Schiedam ..... S D M
Schoterland ..... S T L
Serooskerke (Z) ..... S K
Sint Annaland ..... S A L
Sint Philipsland ..... P S
Sliedrecht ..... S L I
Sloten (Friesland) ..... S L O
Sneek ..... S N E
Spaarndam ..... S P A
Spijkenisse ..... S P K
Stad aan't Haringvliet ..... S A H
Stavenisse ..... S V
Stavoren ..... S T
Steen bergen ..... S T B
Stellendam ..... S L
Strijen ..... S T R
Termunten ..... T M
Terschelling ..... T S
Texel ..... T X
Tholen ..... T H
Tietjerksteradeel ..... T D
Urk ..... U K
Usquert ..... U Q
Utingeradeel ..... U D
Veere ..... V E
Vlaardingen ..... V L

Vlieland	V L L	Woensdrecht (N.B.)	W O E
Vlissingen	V L I	Wonseradeel	W O N
Volendam (Edam)	V D	Workum	W K
Vollenhove	V N	Woudrichem	W O U
Wanneperveen	W A N	Yerseke	Y E
Warder	W A R	Zaamslag	Z M
Wemeldinge	W M D	Zaandam	Z A
Werkendam	W K D	Zandvoort	Z V
Wervershoof	W F	Zevenbergen	Z G
Westdongeradeel	W L	Zierikzee	Z Z
Westzaan	W Z	Zoutkamp (Ulrum)	Z K
Wieringen	W R	Zuid-Beijerland	Z B
Wieringerwaard	W R W	Zuidland	Z D
Wijdenes	W D N	Zuid-Scharwoude	Z U
Wijmbritseradeel	W B	Zwaluwe	Z L
Wildervank	W V	Zwartewaal	Z W
Willemstad	W M	Zwartsluis	Z S
Wilsum	W U	Zwolle	Z E
Winkel	W I N	Zwijndrecht	Z W D
Wissekerke	W S	Zijpe	Z I J

APPENDIX E.

Article XXV.

International Convention for the purpose of regulating the Police of the Fisheries in the North Sea outside Territorial Waters.

All fishing boats, all their small boats, all rigging gear or other appurtenances of fishing boats, all nets, lines, buoys, floats, or other fishing implements whatsoever found or picked up at sea, whether marked or unmarked, shall as soon as possible be delivered to the competent authority of the first port to which the salving boat returns or puts in.

Such authority shall inform the consul or consular agent of the country to which the boat of the salvor belongs, and of the nation of the owner of the articles found. They [the same authority] shall restore the articles to the owners thereof or to their representatives, as soon as such articles are claimed and the interests of the salvors have been properly guaranteed.

The administrative or judicial authorities, according as the law of the different countries may provide, shall fix the amount which the owners shall pay to the salvors.

It is, however, agreed that this provision shall not in any way prejudice such conventions respecting this matter as are already in force, and that the high contracting parties reserve the right of regulating, by special arrangements between themselves, the amount of salvage at a fixed rate per net salved.

Fishing implements of any kind found unmarked shall be treated as wreck.

APPENDIX F.

Messrs. Sands' Report on Whales.

5, Royal Circus, Edinburgh,
2nd August, 1869.

Sir,

The law of Scotland with regard to whales appears succinctly stated by Dr. Barclay in his "Digest of the Law of Scotland for Justices of the Peace," Vol. II., p. 969, to be that "Whales when large belong to the Sovereign, when small to the captors."—*v.* Erskine, B. II. tit. 1. § 10.,

Stair, B. II. tit. 1. § 5., Bell's Principles, § 1289, Hutchinson's Justice of the Peace, Vol. II. 380, Stove *v.* Colvin, 26th May,, 1831-9, Shaw *v.* Dunlop, p. 633.

Shoals of small whales such as those referred to are occasionally driven into the bays or shores of the Northern Isles of Scotland and captured. A few years ago such a shoal came into the Firth of Forth, and a number of them were captured by the fishermen of Newhaven, but I am not aware that the Crown ever claimed such whales from the captors, nor do I think, the law being as above stated, if the Crown were in the present instance to prefer such a claim it would succeed.

In the case of Stove *v.* Colvin above-mentioned, a party of the inhabitants of one of the Shetland Isles, having discovered a shoal of small whales off the island, succeeded in driving them into a bay, where they were joined by another party who assisted in killing and taking them, and thereby, according to usage, became entitled to a share of the blubber; and this second party, having attended at the "flinching" to receive their share were turned off by Stove, the factor of the proprietor of the ground, who was entitled to one-half of the fish. In an action by Colvin and others (the party turned off) against Stove, it was held that Stove had been guilty of a spuilzie and was liable to them in damages. One of the pleas, I observe, upon which Stove endeavoured to defend himself was, that *whales being Royal Fish belonged to the Crown,* and whatever claim as of salvage the captors might have, it could not be of the nature of property of the fish, and therefore there could be no foundation for an action of spuilzie. This was met by the counter plea that the *right of the Crown was* jus tertii *as to Stove, and could not be founded on by him,* and that according to the practice of the country, the captors have a right to a share of the fish themselves, and not merely a claim for remuneration or salvage.

Had the judges in this case considered that the whales were such as belonged to the Crown they would no doubt have ordered intimation to be made to the Officers of State for His Majesty's interest. Lord Glenlee was of opinion that "the proceeding here complained of was strictly speaking a spuilzie. The whales caught became the absolute property, *pro indiviso* of the whole. If one co-proprietor carries away what belongs to all, that is a spuilzie, and any person who advises and takes an active part in each proceeding is liable for the whole loss occasioned by the illegal act. Now this gentleman took an active part, both in his individual capacity of salvor and as acting for the proprietor, in the illegal act of appropriating the whole to a certain portion only of those having the joint right, and therefore he is liable.

"The other judges concurred, with the exception of Lord Cringletie, who doubted if Stove's interference was sufficiently made out by legal evidence."

I am, &c.,
(Signed) W. J. SANDS.

APPENDIX G.

INSTRUCTIONS ISSUED TO THE ULSTER CONSTABULARY WITH RESPECT TO THEIR DUTIES IN CONNECTION WITH WRECKS AND WRECKED PROPERTY.

Assistance to be rendered.—On hearing of a wreck, the Constabulary of the station nearest to the scene will at once proceed thither, and render all possible assistance in protecting the property, &c. The District Inspector of the district will also attend, if not prevented by more pressing duty; and, if there be necessity, supply any available men from the stations near the scene, if they can be spared without detriment to the peace of the district. If the Constabulary find, on arriving at a wreck, that the receiver of wreck or coastguard is not present, they shall take charge of the property wrecked and convey it to a place of safety. The coastguard

at the nearest or most convenient station, or the receiver, should immediately be sent for by telegram or by special messenger. If the coastguards consider themselves unequal to the protection of such wreck, or the property belonging thereto, the Constabulary are to support them and the officers in charge are immediately to report on the subject to the Inspector-General.

Telegraph to be used in case of Wrecks.—The earliest information of wrecks should be transmitted by telegram to the coastguard, the rereceiver of wreck, and the lifeboat party, if there be one in the locality.

Burial of Corpses washed ashore.—When bodies have been washed ashore, and the Coroner does not consider an inquest necessary, the Relieving Officer of the Union is to be at once communicated with, in order that the corpses may be buried.

Rewards.—Rewards not exceeding £5 in any case (57 & 58 Vic., c. 60, s. 537) will be paid to members of the Constabulary who are instrumental in bringing to justice persons guilty of stealing wrecked property. In every case of conviction obtained by the Constabulary a detailed report is to be made of the case, in which is to be set forth the part taken by each of the men through whose means the wrecked property was discovered, and the conviction obtained. This report, if certified to be correct, is to be transmitted by the District Inspector through his County Inspector to Head-quarters. If it be a case for reward, the report will be returned with the Inspector-General's approval of the amount to be paid to the Constabulary. The County Inspector will transmit the report so approved to the receiver of wreck for the coast district in which the Constabulary concerned are stationed. The receiver of wreck is empowered to pay the amount of the reward to the County Inspector, who will have the amount distributed amongst the men as directed by the Inspector-General, in the proportion or shares fixed for rewards. The report, with the men's receipts, is to be finally returned to head-quarters.

Notices of Wrecked property.—The Constabulary stationed on the sea-coast will be supplied from time to time by the coastguard with notices, &c., regarding wrecked property, which are to be posted on the notice boards.

Rewards for Information.—Rewards will be paid by the Receiver of Wreck for any information brought to the Constabulary of a ship in distress, or of a wreck. Rewards will also be paid for information as to where wrecked property is concealed, when the information given is followed by conviction of the offenders. If the Receiver of Wreck be not near at hand to pay this reward himself, a report is to be made to him through the County Inspector, when the Receiver of Wreck will transmit a suitable reward for the informant. The amount is to be paid by the District Inspector in presence of the member of the Constabulary to whom the information was given.

Property washed ashore.—By the "Merchant Shipping Act, 1894" (57 & 58 Vic., c. 60), all wrecked property found within the limits of jurisdiction (that is to say, within three miles of the shore) of the United Kingdom, or washed ashore, should be delivered into the hands of the nearest Receiver of Wreck, to be held by him, and dealt with for the interests of the owner, the Crown, or the lord of the manor, as the case may be. Under the provisions of the Act referred to, heavy penalties are imposed when persons are found guilty of dealing wrongfully with wreck, because, by stealing and secretly disposing of it, it may happen that the articles so disposed of (if they had been properly reported) would have led to the identification, or have formed a clue to the fate of some missing vessel and cargo. By section 72 of the Merchant Shipping Act, 1906 (6 Edw. 7, ch. 48), wreck found outside the limits of the United Kingdom and brought within those limits has been included in the definition of "wreck" in the Merchant Shipping Act, 1894.

Subsistence Allowances for Constabulary engaged in protection of wrecks.—The Board of Trade has agreed that members of the Constabulary, when employed in watching and protecting wrecks, will be entitled to the subsistence allowances set out in the Royal Ulster Constabulary Allowances Orders.

Subsistence allowances will be paid irrespective of the distance of the scene of the duty from the men's stations, and the actual expense of conveyance necessarily incurred will also be allowed.

APPENDIX H.

EXPENSES OF WITNESSES RETAINED FOR INQUIRIES AND PROSECUTIONS.

1. Mercantile Marine Officers and Seamen retained by or on behalf of the Board of Trade in connexion with Investigations into Shipping Casualties, Local Marine Board and other Inquiries, and Prosecutions, should be paid subsistence allowance at a rate equivalent to the current National Standard Rates of Wages for their respective ranks and ratings on board ship, plus bonus (if any); and, in cases where food on board ship is supplied by the owners, plus a sum in respect of food which for the present shall be 4*s*. a day for all officers and 3*s*. a day for all other members of the crew.

It should be clearly understood that the food allowance to an Officer or Seaman is not intended to, and does not, represent anything more than an approximate equivalent in cash of the food supplied by the owners which forms part of his earnings when on board ship.

2. As regards subsistence allowances to (*a*) Masters whose remuneration is not stated in ships' Agreements; (*b*) pilots, and other witnesses who are not on Articles; (*c*) stewards, barbers, etc., on passenger ships who are remunerated in part by tips or earnings not included in their wages as stated in ships' Agreements; (*d*) men on fishing boats remunerated partly by catch; (*e*) any other ranks or rating to whom exceptional circumstances may attach—a confidential report should be sent to the Solicitor to the Board of Trade, by the Superintendent or Receiver of Wreck, as to what are the approximate earnings and bonus (if any) of such witnesses. The Board will decide in these cases what sums may be taken as the current rates of wages or earnings of these witnesses, and the Superintendent or Receiver of Wreck should pay subsistence allowances at the rates notified to him by the Board of Trade or by the Board's Solicitor.

3. In any case where a witness receives part wages from his employer he may be paid the difference between what he is receiving from his employer per diem and the full allowances to which he would be entitled under these instructions.

4. **Subsistence Allowance.**—Witnesses will be paid subsistence allowance until and including the day upon which they are discharged. Where a witness comes from a port or place other than the one at which the case is heard and wishes to return thereto, such allowance will include payments for each day necessarily occupied in returning to the port or place from which he came provided the Receiver or Superintendent is satisfied that the journey will really be made. Travelling expenses will also be paid. This instruction will also cover the case of a witness who has been taken out of his ship and wishes to rejoin her in a port within Home Trade limits.

5. Payment of subsistence allowance will be continued to all the above-mentioned witnesses during an adjournment of the hearing of a case, and during the time such witnesses are bound to attend the hearing of the case and if the adjournment be for a week or any longer period a witness, if he desires to return to the port or place whence he came to attend the

hearing of the case or to go to his home, may do so, provided that such place be not out of the United Kingdom, and may be paid return fare to such port or place, but his whereabouts should be noted by the Receiver of Wreck or Superintendent, and the Solicitor to the Board of Trade should be informed.

6. Witnesses retained at any port may be allowed to proceed at their own expense to another port in the United Kingdom upon undertaking to report themselves to the nearest Receiver of Wreck, or, in cases of Local Marine Board Inquiries and Prosecutions, to the Superintendent of a Mercantile Marine Office. When this is done the Solicitor to the Board of Trade should be informed, and the Receiver of Wreck or Superintendent at the Port nearest to the place to which the witness is proceeding should also be informed of the rate of allowance and the date to which the witness has been paid and requested to continue the retention of the witness and to advise the Solicitor to the Board of Trade that he has done so.

7. Witnesses remaining in the service of the owners and any other witnesses who are not retained by the Board of Trade will be allowed pay and travelling expenses, if any, for attending to make statements taken at the request of the Solicitor to the Board of Trade, the usual allowance being half-a-day's pay, but this may be extended to a day's pay according to circumstances, and they will be allowed one day's pay for each day's attendance in Court, *see also* Clause (1).

Witnesses retained who are in receipt of full pay from their employers are only to be paid for the days on which they attend at the office to make statements and subsistence allowances for the days on which they are actually travelling, or attending the hearing of the case or returning.

8. When witnesses have no homes or are retained elsewhere than at places where their homes are, then, in addition to the allowances provided for in the foregoing instructions Nos. 1 and 2, payment in respect of lodgings should be made at the rate of 3*s*. a night for all officers, and 2*s*. a night for all other members of the crew.

9. **Travelling Allowance.**—Trinity House Pilots, Licensed Pilots, Masters of vessels, except tugs and barges; and all deck and engineer officers holding certificates of competency granted or recognised by the Board of Trade, will be allowed first-class fares. All other deck and engineer officers, wireless operators, skippers of steam fishing vessels or of fishing smacks, masters of tugs and barges, and all other ranks and ratings will be allowed third-class fares.

Saloon fares on steamers may be allowed to those witnesses who are entitled to first-class railway fares, and to all certificated officers (including engineers), pursers, wireless operators, cadets, midshipmen and apprentices.

Other witnesses will be allowed steerage fares (subject to any arrangement made by officers abroad in respect of the conveyance of witnesses to the United Kingdom).

10. **Notification of Allowances.**— All Mercantile Marine Officers and Seamen retained by or on behalf of the Board of Trade in connexion with Investigations into Shipping Casualties, Local Marine Board and other Inquiries, and Prosecutions, should be distinctly informed, by the Superintendent or Receiver of Wreck, of the allowances which they will be paid in accordance with these Instructions.

11. **Witnesses sent from one port to another.**—When a witness retained at one port is sent to another port to give evidence, the Receiver or Superintendent by whom the witness is so forwarded should keep a note of the address to which the witness is proceeding, and should give the witness a letter by way of introduction or identification addressed to the Receiver or Superintendent of the port to which he is directed to proceed to report himself. The Receiver or Superintendent should at the same

time forward by post to the Receiver or Superintendent at the port to which the witness is proceeding particulars of the date of the witness's detention, the rate at which he is to be paid according to the scale, and a statement of account containing particulars of the amounts advanced to the witness for daily allowance and travelling with the address to which the witness has proceeded. This letter, which is intended for the guidance of the Receiver or Superintendent at the port of destination, should be forwarded to the Board of Trade with the accounts at the end of the month. If the witness does not report himself at the port of destination the Receiver or Superintendent should cause inquiries to be made as to the whereabouts of the witness, reporting the case to the Solicitor to the Board of Trade if necessary.

12. Settlement of Claims. At the conclusion of a Wreck Inquiry or Prosecution or on the earlier discharge of a witness, the Receiver or Superintendent at the port where the case is held will, after taking his receipt finally settle with him, paying him the balance due to him, and charge the amount in Schedule 38 "Law Charges." In Local Marine Board Inquiries the amount should be charged in Schedule 14.

If a witness leaves a port without having his allowance finally adjusted at that port he should apply to the Receiver or Superintendent at the Port to which he returns for such adjustment.

In settling with the witnesses in prosecution cases the Superintendent should take into account any amounts paid to the witness at Assizes or Quarter Sessions by way of County Allowance for his attendance and travelling expenses, including the amounts therein allowed for the attendance at the Police Court so that the witness is not paid twice for any day's attendance or travelling expenses. If the County allowance does not equal the amount allowed by the Board of Trade Scale the Superintendent should pay the balance allowed by the scale.

13. Fines, forfeitures and costs.—All fines and forfeitures received by the Receiver or Superintendent are to be credited in Schedule 29, and costs recovered from defendants convicted of any offence under the Merchant Shipping Acts are to be brought to account in Schedule 41 "Board of Trade."

14. Justices' Clerks' Fees.—When proceedings in prosecutions are conducted by the Superintendent or Receiver of Wreck and not by the Solicitor, the Superintendent or Receiver should obtain from the Justices' Clerks a note of the fees properly chargeable by them in respect thereof, and forward the same to the Board of Trade for approval before payment. If the Solicitor employs an agent on his behalf, these fees should not be paid by the Superintendent or Receiver, but should be charged by the Agent in his Account with the Solicitor, who will also take the necessary steps with regard to the collection of the costs ordered to be paid by the defendant.

15. When Receivers and Superintendents are in doubt as to the rate of pay for any particular witness they should verify the same from the ship's articles or, if such are not available, they should communicate with the Registrar-General of Shipping and Seamen for guidance as to the rate, and in the meantime should hand the witness a sum on account, being careful not to exceed a rate below the one which appears to be applicable, telling the witness that any over payment will be made good by deductions from any subsequent payment.

APPENDIX I.

No. 65.

BY THE COMMISSIONERS FOR MANAGING AND CAUSING TO BE LEVIED AND COLLECTED HER MAJESTY'S CUSTOMS.

4th July, 1857.

THE Board have had under consideration a letter from the Lords of the Committee of Privy Council for Trade, dated 11th ultimo, upon the subject of Wreck picked up at sea by masters of vessels arriving in ports of the United Kingdom.

By the 53rd section of the Customs Consolidation Act of 1853 the master of every vessel arriving from parts beyond the seas is required, at the time of making his report, to answer all questions relating to the ship, cargo, and voyage, as shall be put to him by the Collector or Comptroller, and in case of failure or refusal to answer such questions or answers truly, the master is declared to forfeit the sum of 100*l*.

And the Board direct that the masters of all vessels upon attending at the Custom House to make their reports inwards, be called upon by the Collector or Comptroller to state whether they have fallen in with or picked up Wreck of any kind on their voyage, and if so to specify the particulars thereof, a copy of which is to be rendered by the proper Officer to the Receiver of Wreck for the district, should the Collector or Comptroller not hold that office.

And copies of this minute are to be delivered to the Collector and Warehousekeeper in London, and transmitted to the Collectors and Comptrollers at the outports for their guidance.

Custom House, London,
8th July, 1857.

The aforegoing copy of the Board's Minute dated 4th instant is transmitted to the Collector and Comptroller at for their guidance.

By order of the Commissioners.

C. CLARIDGE.

APPENDIX J.

GENERAL ORDER $\frac{2}{1895}$

DERELICT VESSELS, WRECKAGE, AND SUNKEN WRECKS OR ICE.

Custom House, London,
10th January, 1895.

IN order that full and early information may be obtained for hydrographical purposes respecting derelict vessels or wreckage, sunken Wrecks or ice passed at sea, the Board direct Collectors and other Officers of Customs, acting as Receivers of Wreck, to require, in their capacity of Officers of Customs, in pursuance of the power given to them by section 53 of the Customs Consolidation Act, 1876, the master of every vessel, when reporting his arrival, to state whether any such danger to navigation has

been sighted during the voyage, and, if so, to obtain replies to the questions set forth on the other side hereof. The form (Wr. 60) should then be transmitted without delay to the Assistant Secretary, Harbour Department (*now* Mercantile Marine Department), Board of Trade, in an envelope marked in the lower left corner "Obstruction to Navigation."

In urgent cases *i.e.*, when derelict or wreckage or sunken wreck or ice appears to be a serious danger to navigation, Collectors and other Officers should report the facts by telegraph to the Board of Trade.

Section 53 of the Customs Consolidation Act, 1876, is as follows:

> "The master of every ship arriving from parts beyond the seas shall, at the time of making report, answer all such questions relating to the ship, cargo, crew, and voyage, as shall be put to him by the Collector or other proper officer, and if he refuses to answer or does not answer truly . . . in every such case the master shall forfeit the sum of one hundred pounds."

Although by this section only the masters of vessels arriving in the United Kingdom from parts beyond the seas are bound under penalty to answer the questions referred to, Collectors and other Officers acting as Receivers of Wreck should endeavour to obtain the required information from the masters of all vessels which have passed any danger to navigation during the voyage.

It is presumed that no difficulty will be experienced in obtaining the necessary particulars when it is understood that they are required solely for the purpose of lessening the dangers of navigation.

Collectors and other Officers are informed that, while it is considered that the indiscriminate publication of all reports received as above required as to dangers to navigation may be mischievous and misleading, impediments are not to be placed in the way of those who may be desirous of themselves obtaining at the Custom House and elsewhere early information on the subject. Such information will, for the present, be at the disposal *of all who care personally to apply for it*, but as it is obtained officially for the benefit of *all*, it is not to be specially and exclusively furnished to any one person or body.

By Order of the Board,

JOHN COURROUX.

APPENDIX K.

DECLARATION BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, AND THE GOVERNMENT OF THE FRENCH REPUBLIC, WITH REFERENCE TO THE DISPOSAL OF THE PROCEEDS OF WRECKS ON THEIR RESPECTIVE COASTS.

Signed at Paris, October 23, 1889.

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and the Government of the French Republic, desiring to regulate by a new Agreement questions relative to the disposal of the proceeds of wrecks on the coasts of the two States, have agreed to replace the Declaration

LE Gouvernement de Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, Impératrice des Indes, et le Gouvernement de la République Française, désirant régler par un nouvel accord les questions relatives à la liquidation des sauvetages sur les côtes des deux Etats, sont convenus de remplacer la Déclaration échangée à

signed at London on the 16th June, 1879, by the following arrangements:—

ARTICLE I.

When any ship belonging to the subjects of one of the two Contracting States is wrecked or stranded on the coast of the other, the competent local authorities shall, with as little delay as possible, bring the fact to the knowledge of the Consul-General, Consul, Vice-Consul, or Consular Agent nearest to the spot where the wreck or stranding has taken place.

ARTICLE II.

All operations relative to the salvage of British ships which may be wrecked or stranded on the coasts of France shall be directed by the Consuls-General, Consuls, Vice-Consuls, or Consular Agents of Great Britain, and, reciprocally, the French Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall direct all operations relative to the salvage of ships of their nation wrecked or stranded on the coasts of Great Britain.

ARTICLE III.

If the owners of the ship and cargo, or their duly authorized representatives, shall be present and shall claim it, the Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall hand over to them the conduct of the salvage operations after requiring the deposit of the ship's papers, as well as the reimbursement of the expenses already defrayed, and a sufficient guarantee for those incurred before the operations were handed over, and which may not have been already settled.

ARTICLE IV.

The intervention of the local authorities shall only take place in the two countries for the purpose of assisting the Consular authority, of maintaining order, of securing the interests of the salvors if they are strangers to the shipwrecked crews, and of assuring the due execution of the arrangements to be carried out for the entry and departure of the merchandize saved.

Londres le 16 Juin, 1879, par les dispositions suivantes:—

ARTICLE I.

Lorsqu'un navire quelconque appartenant aux sujets de l'un des deux Etats Contractants fera naufrage ou échouera sur le littoral de l'autre, les autorités locales compétentes devront, dans le plus bref délai possible, porter le fait à la connaissance du Consul-Général, Consul, Vice-Consul, ou Agent Consulaire le plus rapproché du lieu de l'accident.

ARTICLE II.

Toutes les opérations relatives au sauvetage des navires Anglais qui naufrageraient ou échoueraient sur les côtes de France seront dirigées par les Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires de la Grande-Bretagne, et réciproquement, les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires Français dirigeront les opérations relatives au sauvetage des navires de leur nation naufragés ou échoués sur les côtes de la Grande-Bretagne.

ARTICLE III.

Quand les propriétaires du navire ou de la cargaison, ou leurs représentants dûment autorisés, seront présents et le réclameront, les Consuls Généraux, Consuls, Vice-Consuls, et Agents Consulaires devront leur remettre la conduite des opérations de sauvetage en exigeant le dépôt des papiers de bord, ainsi que le remboursement des frais déjà faits et une garantie suffisante pour les dépenses engagées avant la remise et non encore liquidées.

ARTICLE IV.

L'intervention des autorités locales n'aura lieu dans les deux pays que pour assister l'autorité Consulaire, maintenir l'ordre, garantir les intérêts des sauveteurs s'ils sont étrangers aux équipages naufragés, et assurer l'exécution des dispositions à observer pour l'entrée et la sortie des marchandises sauvées.

In the absence, and until the arrival of the Consuls-General, Consuls, Vice-Consuls, or Consular Agents, the local authorities shall, moreover, take all necessary measures for the protection of the persons, and for the preservation of the articles which shall have been saved from the wreck.

This intervention shall not give rise to any charges, with the exception of those which the salvage operations and the protection of the articles saved shall have rendered necessary, and those to which national ships would, under similar circumstances, be liable. These charges shall be paid according to the circumstances of the case, either by the Agents of the Consular Service, or by the owners or their proxies.

In case absence, sickness, or any other cause should prevent the Agents of the Consular Service from seeing to the operations and the managementof the salvage, the local authorities who may be charged with the operations and management in question shall be bound to remit to the aforesaid Agents the ship's papers and the net proceeds of the ship and the cargo.

ARTICLE V.

The merchandise and articles saved shall not be liable to any customs duties, unless they are intended for home consumption, in which case they shall pay the same duties as they would have had to pay if they had been imported in national vessels.

ARTICLE VI.

The stipulations of the present Declaration shall be applicable to all the Colonies and foreign possessions of Her Britannic Majesty, excepting to those hereinafter named, that is to say, except to:—

India.
The Dominion of Canada.
Newfoundland.
The Cape.
Natal.
New South Wales.
Victoria
Queensland.
Tasmania.
South Australia.
Western Australia.
New Zealand.

En l'absence, et jusqu'à l'arrivée des Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires, les autorités locales devront, d'ailleurs, prendre toutes les mesures nécessaires pour la protection des individus et la conservation des objets qui auront été sauvés du naufrage.

Cette intervention ne donnera lieu à aucun frais, sauf ceux que les opérations de sauvetage et la garde des objets sauvés auront rendus nécessaires, ainsi que ceux auxquels seraient soumis en pareille circonstance les navires nationaux, les frais seront soldés, suivant le cas, soit par les Agents du Service Consulaire, soit par les propriétaires ou leurs mandataires.

Dans le cas où l'éloignement, la maladie, ou toute autre cause empêcheraient les Agents du Service Consulaire de pourvoir aux opérations et à la gestion du sauvetage, les autorités locales qui resteraient chargées de ces opérations et de cette gestion seront tenues de remettre à ces Agents les papiers de bord et le produit net du navire et de la cargaison.

ARTICLE V.

Les marchandises et les objets sauvés ne seront assujettis à aucun droit de douane, à moins qu'ils ne soient destinés à la consommation intérieure, auquel cas ils acquitteront les mêmes droits qu'ils auraient eu à payer s'ils avaient été importés par des navires nationaux.

ARTICLE VI.

Les stipulations de la présente Déclaration seront applicables à toutes les Colonies et possessions de Sa Majesté Britannique, à l'exception de celles ci-après dénommées, savoir:—

L'Inde.
Le Canada.
Terre-Neuve.
Le Cap.
Natal.
La Nouvelle-Galles du Sud.
Victoria.
Queensland.
Las Tasmanie.
L'Australie du Sud.
L'Australie Occidentale.
La Nouvelle-Zélande.

Provided always that the stipulations of the present Declaration shall be made applicable to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative to the French Republic within one year from the date of the signature of the present Declaration.

The stipulations of the present Declaration shall be applicable to all the Colonies and foreign possessions of France.

Toutefois, les stipulations de la présente Convention deviendront applicables à l'une des possessions ci-dessus indiquées si, en leur nom, une notification à cet effet a été adressée par le Représentant de Sa Majesté Britannique à Paris au Gouvernement de la République Française un an après la date de la présente Déclaration.

Les stipulations de la présente Déclaration seront applicables à toutes les Colonies et possessions de la France.

ARTICLE VII.

The present Declaration shall come into operation three months after the date of its signature, and shall remain in force until the expiration of one year from the day on which either Party may give notice of its intention to terminate it.

In witness whereof, the undersigned Plenipotentiaries, his Excellency the Earl of Lytton, Ambassador of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and his Excellency M. Eugène Spuller, Minister for Foreign Affairs, have signed the present Declaration, and have affixed thereto their seals.

Done at Paris, this twenty-third day of October, 1889.

(L.S.) LYTTON.

ARTICLE VII.

La présente Déclaration sera mise à exécution trois mois après la date de sa signature et demeurera en vigueur jusqu'à l'expiration d'une année à partir du jour où l'une des deux Parties Contractantes aura notifié son intention d'en faire cesser les effets.

En foi de quoi, les Plénipotentiaires soussignés, son Excellence le Comte de Lytton, Ambassadeur de Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, Impératrice des Indes, et son Excellence M. Eugène Spuller, Ministre des Affaires Etrangères, ont revêtu de leurs signatures la présente Déclaration, et y ont apposé leurs cachets.

Fait à Paris, le vingt-trois Octobre, 1889.

(L.S.) E. SPULLER.

DANISH SHIPS WRECKED ON THE COASTS OF THE UNITED KINGDOM.

The Anglo-Danish Agreement is in the following terms:—

(1.) Any vessel of either of the Contracting Parties which may be compelled, by stress of weather or by accident, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to put to sea again, without paying any dues other than such as would be payable in a similar case by a national vessel. In case, however, the master of a merchant vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

(2.) If any vessel of one of the Contracting Parties shall run aground or be wrecked upon the coasts of the other, such vessel, and all parts thereof, and all furniture and appurtenances belonging

thereunto, and all goods and merchandise saved therefrom, including any which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked vessel, shall be given up to the owners or their agents when claimed by them. If there are no such owners or agents on the spot, then the same shall be delivered to the British or Danish Consular Officer in whose district the wreck or stranding may have taken place upon being claimed by him within the period fixed by the laws of the country, and such Consular officers, owners or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck or stranding of a national vessel.

The Contracting Parties agree moreover that merchandise saved shall not be subjected to the payment of any customs duty unless cleared for internal consumption.

(3.) In the case either of a vessel being driven in by stress of weather, run aground, or wrecked, the respective Consular officers shall, if the owner or master, or other agent of the owner is not present, or is present and requires it, be authorised to interpose in order to afford the necessary assistance to their fellow countrymen.

An exchange of Notes took place on 23rd November, 1922, between His Majesty's Government and the Government of Denmark respecting the interpretation of certain paragraphs in the Agreement regarding wrecks between the British and Danish Governments. The following interpretations were agreed:—

(1.) Section 2 of the Agreement providing that 'If any vessel of one of the Contracting Parties shall run aground or be wrecked upon the coast of the other, such vessel, and all parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise saved therefrom, including any which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked vessel, shall be given up to the owners or their agents when claimed by them. If there are no such owners or agents on the spot, then the same shall be delivered to the British or Danish Consular Officer in whose District the wreck or stranding may have taken place upon being claimed by him within the period fixed by the laws of the country,' shall hereafter be interpreted to mean, that the release of a vessel, wrecked property or proceeds, to the Consular Officer, only relates to property, etc., belonging to the country which he represents, and, that the Consular Officer within a reasonable period, when there are no owners or agents on the spot, shall procure a power of attorney, authorising him to act on the owners behalf, but that the requirement of the said power of attorney shall not delay the recognition of the Consular Officer's right to take possession of property, etc.

(2) In Section 3 of the Agreement providing: 'In the case either of a vessel being driven in by stress of weather, run aground or wrecked, the respective Consular Officers shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorised to interpose in order to afford the necessary assistance to their fellow-countrymen.' The sentence 'in co-operation with the local authorities' has been added parenthetically after the word 'interpose.'

INDEX.

(Numbers in brackets refer to paragraphs.)

Page

ABANDONMENT (*see* DERELICT).

ACCOUNTS:
- of Receivers who are not Customs Officers or members of the Coastguard (230) ... 76
- of Receivers (279-282, 284-286, 288, 289) ... 88, 89, 90
- separate for each reference number (281) ... 88

ACTS:
- to which Instructions relate (8) (Appendix A) ... 12, 91

ADMIRALTY:
- wreck belonging to (107) ... 42

ADMIRALTY COURT:
- wreck arrested by (141 to 146) ... 51, 52
- Acts of 1861 and 1868 (Appendix A) ... 91, 96

ADVICE AND ASSISTANCE:
- Receiver to give to owners and masters (15) ... 14
- required by Receiver in Preliminary Inquiries when Coastguard not available (23) ... 16

AGENTS:
- not to interfere with wreck until Receiver is satisfied of authority (114) ... 44
- delivery of property to (200, 203) ... 69, 70
- to complete Form Wr. 24-25 before taking possession of wreck (204) ... 70
- master to be treated as (207) ... 70
- Consuls of certain countries to be treated as (208) ... 70
- to produce written authority to receive money for owners (287) 89

AIR MINISTRY:
- to be informed of articles which have apparently come from aircraft (28) ... 17
- to be assisted by Receiver in the investigation of accidents to aircraft (94) ... 39
- to be informed of proposed sale of wrecked aircraft or aircraft wreckage (148) ... 52

AIR NAVIGATION:
- Act, 1920 (part) (Appendix A) ... 141
- Order in Council applying certain provisions of Merchant Shipping Act, 1894, to Aircraft (Appendix A) ... 141
- (Investigation of Accidents) Regulations, 1922 and 1925 (94) (Appendix A) ... 39, 143

AIRCRAFT:
- application of Merchant Shipping Acts and Instructions to (9) (Appendix A) ... 12, 141
- Coastguard will take all means to obtain early intelligence of any casualty (11) ... 13
- casualties, to whom to be reported (11) ... 13
- rewards for articles identifying wrecked (28) ... 17
- Air Ministry to be informed of articles which have apparently come from (28) ... 17
- steps to be taken when sunken, stranded or abandoned (90) ... 38
- in distress, articles from, to be delivered to Receiver (91) ... 38
- Receiver to take possession when sunken and abandoned (95) ... 39
- Receiver to assist Air Ministry in the investigation of accidents (94) ... 39
- derelict (99 and 100) ... 40

Page

AIRCRAFT—*continued.*
sale of wrecked aircraft or aircraft wreckage; procedure to be adopted (148) 52
to be detained if salvage is disputed (182) 65
belonging to a foreign government not to be detained for settlement of salvage claims (182) 65
Lords of Manors not entitled to aircraft wreckage (213) ... 72
fees chargeable in respect of wrecked (*see* under F)
ALLOWANCES:
payable to Civilian Deputy Receivers (264) 84
ANCHORS AND CHAINS:
requirements of Anchors and Chain Cables Act, 1899 (151) ... 53
procedure in selling (151) 53
may be tested in certain cases (152) 53
advance of salvage on (193) 68
ANIMALS:
foreign, landed alive in Northern Ireland to be reported to Ministry of Agriculture of Northern Ireland (139) 50
APPORTIONMENT:
of salvage (179 to 181) ... ... 62 to 65
APPRENTICES:
entitled to salvage (180) 64
ARBITRATORS:
in salvage cases in Northern Ireland—scale of fees and costs (165) 56
ASSESSORS:
fees in salvage cases (165) 56
AUCTIONEER:
only to be employed for sale of wreck in special cases (153, 154) 53, 54
commission payable to (154) 54
commission may be disallowed (155) 54
BOARD OF TRADE MINUTES:
not to be retained by Receiver when action required cannot be taken (55) 23
BONDS:
Salvage (183, 184) 66
BOTTLE MESSAGES:
to be entered in Report Book (108) 43
BUOYS, NAVIGATION:
accidents to, to be reported to Lighthouse Authority (87) ... 36
not to be treated as wreck (105) 42
salvage of, to be reported (106) 42
BUMPING WRECK:
on the shore of a Manor. Division of proceeds (218) 73
BURIAL OF CARCASES:
requirements of Diseases of Animals Act, 1894 (129) 47
definitions of "cattle," "animal," and "carcase" (129) ... 47
mode of burial (130) 47
of animals supposed to belong to local residents (130) 47
carcase not to be buried if not of the nature of wreck (130) ... 48
not "Fishes Royal" or of animals not within the meaning of the Diseases of Animals Act, 1894 (131) 48
expenses incurred in (132) 48
expenses to be claimed from local authority (133) 48
recovery of expenses by local authorities in certain cases (134) 48
of "Fishes Royal," expenses to be charged to the Board of Trade (135) 48
in Northern Ireland, special procedure (137, 138) 49, 50
transmission of claims for remuneration (140) 50

	Page
CARCASES:	
thrown from a vessel, action to be taken (134)	48
payment of expenses incurred in Northern Ireland in respect of the examination of (138)	50
CARGO:	
how to be described (68)	33
CASUALTIES:	
reporting of, relates to boats and aircraft as well as ships (11)	13
Coastguard will take all means to obtain early intelligence of (11)	13
arrangements for ensuring inquiry into (21)	16
to be reported by Coastguard (24)	16
return Wr. 1, when taken by Coastguard to be sent to Receiver (41)	20
Receiver responsible for all returns regarding (42)	20
to foreign ships, inquiry into (51)	22
to fishing vessels, small pilot or pleasure boats, Wr. 1 and Inq. 1 usually sufficient (52)	22
classification of (56) (Appendix B)	23, 149
Form Wr. 1, all columns to be filled up with information required (56)	23
cargo, how to be described in reports on (68)	33
reports of, to Principal Board of Trade Officer (73)	33
return regarding loss of fishing gear, when required (74)	34
to ships carrying timber deck loads (75)	34
to grain laden ships (76)	34
returns, remuneration for taking, not to be paid without Board of Trade authority (260)	82
expenses incurred in obtaining return on Wr. 1 (263(*c*))	84
(*See also* "Preliminary Inquiries" and "Depositions.")	
CHARTS:	
defective (69)	33
CIRCULARS AND INSTRUCTIONS:	
distribution of (292)	90
CIVILIAN DEPUTY RECEIVERS:	
subsistence allowances (264)	84
travelling expenses (264)	84
CIVILIANS:	
may be employed to guard wreckage when Coastguard not available (233)	77
COAL:	
found or brought ashore (109)	43
ships laden with, explosion or fire on (77)	34
on board missing vessels, nature of to be stated (78)	35
COASTGUARD:	
duties of (2)	11
to keep on good terms with the Receiver, local officials, agents, &c. (6)	12
to make themselves acquainted with boatmen and others who are likely to find wreck (7)	12
meaning of definition in Section 516 (11)	13
to obtain early intelligence of ships stranded or in distress and casualties to aircraft (11)	13
to proceed to scene of wreck with a view to assistance (11)	13
advice of, to be sought by Receiver (12)	13
have no power to intervene in management of ship if master objects (14)	14
nautical assistance to be obtained from (22, 269)	16, 86
to co-operate with Receiver (22, 231)	16, 77
to report casualties (24)	16
when to fill up Wr. 1 (41)	20
not to commence legal proceedings without instructions (110)	43

COASTGUARD—*continued* Page
to assist in recovery and take possession of wreck (111, 232, 234) 43, 77, 78
to cause carcases of animals washed ashore to be buried (130) ... 47
claims for remuneration in respect of burial of carcases (140) ... 50
not as a rule allowed to purchase wreck (159) 54
to act as assessor or umpire in salvage cases, if required (167) 58
to be consulted in cases of life salvage (170) 59
salvage claims by (172, 173) 59, 60
to assist Receiver in settling amount of salvage (176, 179) ... 60, 63
not to hand over property without authority (200) 69
to report interference by Lords of Manors, &c. (211) 72
not available to guard wreckage; Civilians may be employed (233) 77
to seize wreck improperly dealt with (235, 240) 78, 79
to obtain search warrant in name of Receiver (236 to 239) ... 78
to report to Receiver all wreck taken possession of (241) ... 79
to retain form Wr. 10 (241) 79
not usually required to dispose of wreck (243) 79
to be guided by Receiver in wreck transactions (244) 79
should be conversant with parts of Instructions relating to salvage and disposal of wreck (244) 79
not to advance salvage without authority (245) 79
travelling and personal expenses of (263) 83
payment for extra work by (266) 85
claims of, to be sent to Board of Trade (267) 85
gratuities offered by owners to (267) 85
payments to, to be made through Receiver (267) 86
expenses of, when making preliminary inquiries (268) 86
books to be kept by (277) 88

COASTS OF UNITED KINGDOM:
definition of (31, 44) 18, 20

COLLISIONS:
depositions in regard to (38, 49) 19, 21
with foreign ships, Inquiry into (50) 22
evidence (71) 33
failure of vessel to render assistance (83) 35

COLLISION REGULATIONS:
printed in Appendix C (79) 35, 150
non-observance of (80 to 82) 35

CONSTABULARY (*see* ULSTER).

CONSULS, FOREIGN:
to be informed in cases of distress to foreign vessels (16) ... 15
in certain cases to be treated as agents without proof (208) ... 70

CO-OPERATION:
of Receivers with local officials, agents, &c. (6) 12
of Receivers and Coastguards (22) 16
of Coastguard (231 *et seq.*) ... ... 77 to 79
of Ulster Constabulary in Northern Ireland (246, Appendix G) 79, 165

CORRESPONDENCE (293) 90

COSTS:
in salvage cases in Northern Ireland (165) 56

COUNTY COURTS:
Admiralty Jurisdiction Act, 1868 (part) (Appendix A) 96

CREW:
property belonging to deceased members of (201) 69

CUSTOM HOUSES:
notices of wreck to be posted at (120, 122) 45, 46

CUSTOMS AND EXCISE OFFICERS:
duties of (2) 11
salvage claims of (174) 60
may dispose of wreck (243) 79

CUSTOMS AND EXCISE OFFICERS—*continued.* Page

additional remuneration for wreck and salvage duties (262) ... 83
payment of expenses when wreck sold by (265) 85
books to be kept by (277) 88

CUSTOMS REVENUE:
protection of (199) 69

DEAD BODIES:
property found on (104) 42

DECEASED PERSONS:
claims to property by representatives of (201, 202) 69

DECK LOADS:
casualties to ships carrying timber (75) 34

DEFINITION:
of term "principal Officer of Coastguard" (11) 13
,, "The Officer," "Receiver," &c. (20) 16
,, "ship in distress" (43) 20
,, "derelict" (99) 40
,, "wreck" (101) 41
,, "Fishes Royal" (127) 46
of terms "animal," "carcase" and "cattle" (129) 47

DEPOSITIONS:
legal provisions (17) 15
by whom to be taken (19, 228) 15, 76
powers of Officer under section 517 (29) 17
care and accuracy required (30) 17
when to be taken (37 to 39) 19
on Inq. 1, when to be obtained (37, 50, 51) 19, 22
in regard to collisions (38, 49) 19, 21
on Inq. 1 regarding missing ships (39) 19
on Inq. 1, copies of (40) 20
on Inq. 1, to be sent to Board of Trade (40, 86) 20, 36
applicants for copies to be referred to Board of Trade (40) ... 20
on oath, form of, Wr. 2 (45) 21
Wr. 2, copies of, to whom furnished (47, 60, 86) 21, 24, 36
fees, &c., how recoverable (53, 249) 22, 80
fees, &c., when not recoverable, charged to Board of Trade (54) 23
remarks of Officer not to be inserted (56) 23
statements from, to be handed to Lloyd's Agent, Wr. 52 (60) ... 24
examination of witnesses (61) 24
examination of witnesses, persons who may be present at (62)... 25
particulars to be ascertained (65 to 72) ... ... 26 to 33
courses and bearings given in (66) 32
regarding loss of fishing gear; when to be reported (74) ... 34
remuneration of Receivers and persons holding appointments under Section 465 who are not Customs Officers or members of the Coastguard for taking (229) 76
fees for copies (258) 82
no remuneration to be paid for taking, without Board of Trade authority (260) 82
expenses incurred in obtaining (263) 83
(*See also* "Casualties" and "Preliminary Inquiries.")

DERELICT:
meaning of term (99, 100) 40
arrested by Admiralty Court (141) 51
may be valued by a Valuer (161) 55
fees of Receiver for services (254, 255) 81

DETENTION:
of articles from ship, boat or aircraft in distress (92) 38
to be effected if salvage claim is disputed (182) 65
procedure if vessel assisted has departed (182) 65
of foreign ship, special care to be taken (182) 65

DETENTION—*continued.* Page
of aircraft, if salvage claim is disputed (182) 65
not to be continued after security is lodged (185) 66
DISORDER AT SCENE OF WRECK:
suppression of, considerations to be observed (13) 14
DISTRESS (*see* SHIP IN DISTRESS).
DUTIABLE ARTICLES:
salvage on (177 (*b*), 195) 61, 68
fees on (251) 81
EFFECTS:
of master or any of the crew of a vessel are not wreck (101) ... 41
EXAMINATION ON OATH:
when required (44) 20
nautical assistance not always required (46) 21
when to be omitted (59) 24
persons who may be present (62) 25
particulars to be ascertained (65 to 72) ... ... 26 to 33
defects in vessel, equipments, &c., to be reported (73) 33
EXPENSES:
in respect of depositions taken, how recoverable (53) 22
" " " " " when not recoverable, charged to Board (54) 23
of Receiver to be paid before delivery of wreck (117) 44
incurred in burial of carcases and "Fishes Royal" (132 to 135, 140) ... ... 48 to 50
incurred in reporting whales, porpoises and dolphins to Natural History Museum, Royal Scottish Museum, &c. (136) 49
incurred in examination of carcases in Northern Ireland (138) 50
incurred, to be claimed when wreck arrested by Admiralty Warrant (142 to 144) 51
on whole of property to be paid (205) 70
of Receivers and other officers, accounting for (263) 83
incurred in obtaining depositions and returns on Wr. 1 (263) 84
of Civilian Deputy Receivers (264) 84
payment of, when Customs Officer sells wreck (265) 85
of Coastguard when making preliminary inquiries (268) ... 86
of prosecutions, and formal inquiries, to be submitted to Solicitor (270) 86
how to be brought to account (285) 89
of witnesses for Inquiries and Prosecutions (Appendix H) ... 167
FEES, &c.:
for depositions taken, how recoverable (53, 249) 22, 80
" " " when not recoverable, charged to Board (54) 23
for statement from deposition, &c., handed to Lloyd's Agent, Wr. 52 (60, 258) 24, 82
of Receivers to be paid before delivery of wreck (117) 44
for report of wreck to Lloyd's (121, 249, 250) 45, 80
for valuer of derelicts and wreck (125, 162, 163, 259) ... 46, 55, 56, 82
for assessors and umpires (165) 56
to be awarded in salvage cases in Northern Ireland (165) ... 56
payable to Receivers for wreck duties (249, 251 to 253) 80, 81
on dutiable articles (251) 81
payable in respect of wreck spread over more than one district (253) 81
not to be charged in certain cases (254) 81
on derelicts (255) 81
for assisting ships in distress (256) 82
on wreck taken possession of by a General Lighthouse Authority (257) 82
for copies of depositions (258) 82
for interpreter (261) 83
to be credited in account with Board of Trade (262) 83
for nautical assistance (269) 86

Page

FIGURE HEADS, &c.:
to be entered in Report Book (108) 43
FIREARMS:
only to be used when absolutely necessary (13) 14
FISHERY BOARD FOR SCOTLAND:
to be informed of whales, porpoises and dolphins captured or washed ashore in Scotland (136) 49
expenses to be claimed from (136) 49
FISHERY CONVENTION:
list of port letters for foreign boats (Appendix D) 161
article relating to salving of gear (Appendix E) 164
FISHES ROYAL:
fishes, &c., to which the term applies (127, 128) 46, 47
burial of carcases washed ashore (135) 48
Natural History Museum, and in Scotland Royal Scottish Museum and Fishery Board for Scotland, to be informed of whales, porpoises and dolphins captured or washed ashore (136) 49
FISHING BOATS, TACKLE, &c.:
casualties to, Wr. 1 and Inq. 1 usually sufficient (52) 22
Port letters (103) (Appendix D) 41, 161
to be dealt with as wreck (103) 41
to be reported to Consuls (103) 42
FISHING GEAR:
loss of, when to be reported (74) 34
foreign, assessing amount of salvage (192) 67
FLOATING MINES:
reports of, to whom to be sent (89) 37
FOREIGN GOVERNMENT SHIPS:
delivery to Receiver, of wreck, found by (97) 40
not to be detained for settlement of salvage claims (182) ... 65
FOREIGN SHIPS:
in distress, Consul to be informed (16) 15
inquiry into collisions with (50) 22
inquiry into casualties to (31, 51) 18, 22
delivery of wreck to Receiver, by master of (97) 40
settlement of salvage claims relating to (167) 58
apportionment of salvage among crew of (181) 65
detention of, special care to be taken (182) 65
property belonging to, or forming part of hull or cargo of (208) 70
FORMAL INQUIRY:
cases for (58) 24
expenses of (270) (Appendix H) 86, 167
FORMS, WRECK AND INQUIRIES:
list of (Appendix B) 148
how to be obtained (290) 90
GRAIN-LADEN SHIPS:
casualties to (76) 34
GRATUITIES TO COASTGUARD:
for protecting property (267) 85
GUARDING:
of wreckage by Civilians when Coastguard not available (233) 77
HEAD RECEIVER:
definition of term (20) 16
powers of assistant to (227) 76
H.M. GOVERNMENT:
wreck found by vessel belonging to (97) 40
wreck belonging to (107) 42
salvage by ships belonging to (175) 60
commission and fees not chargeable on wreck belonging to (251) 81

Page

IDENTIFICATION OF WRECKS:
rewards for reporting articles leading to (27) 17
IMPRESTS AND REMITTANCES (286) 89
INQUIRIES (see under "FORMAL" and "PRELIMINARY").
INSTRUCTIONS:
subject of (1) 11
Acts relating to, printed in Appendix A (8) 12, 91
sections referred to therein relate to Merchant Shipping Act, 1894 (10) 13
distribution of (290, 292) 90
INTELLIGENCE OF WRECKS:
small reward may be paid for (11, 26) 13, 17
INTERPRETER:
for purposes of Inquiry (63) 25
oath or affirmation of (64) 25
fee for (261) 83
INTERFERENCE:
with master and crew in management of ship, position of Receiver and Coastguard (14) 14
JURISDICTION:
in salvage cases (160) 55
LARCENY ACT, 1861 (part) (Appendix A) 95
LEGAL PROCEEDINGS:
not to be commenced by Receiver or Coastguard without instructions (110) 43
Receiver not to be a party to (187) 67
LIFE SALVAGE: (169) 59
payable in certain cases by Board of Trade (170) 59
LIGHTS, BUOYS, &c.:
accidents to, to be reported to Lighthouse Authority (87) ... 36
LIGHTS ON VESSELS:
when not properly provided (84) 36
in harbours, &c. (85) 36
LIMITS OF BRITISH JURISDICTION (31) 18
LLOYD'S:
to be informed of salvage of any article bearing name of a vessel (27) 17
not to be furnished with copies of Wr. 1 (57) 24
wreck exceeding £20 in value to be reported to (121) 45
fee to be charged for report to (121, 249, 250) 45, 80
LLOYD'S AGENT:
to be informed of salvage of any article bearing name of a vessel (27) 17
to be supplied at once with statements from depositions, Form Wr. 52 (60) 24
may be supplied on Form Wr. 52 with particulars from Wr. I and Inq. I (60) 24
fees chargeable for each Form Wr. 52 supplied to (258) ... 82
LORDS OF MANORS:
responsible for disposal of carcases of "Fishes Royal" when title to such fish admitted (135) 49
not to interfere with Receiver or Coastguard (211) 72
cannot enforce claim until title proved (212) 72
not entitled to wrecked aircraft or aircraft wreckage (213) ... 72
proceeds not to be paid to, without special directions (214) ... 72
procedure in proving title (214) 72
statutory declaration relative to devolution of title (214) ... 72
Receiver not to admit title without authority (215) 73
titles nearly always relate only to wreck cast ashore (216) ... 73
landward and seaward limits of claims of (217) 73

Page

LORDS OF MANORS—*continued.*
- may receive one half of proceeds of bumping wreck (218) ... 73
- wreck to be reported to, if title admitted (219) 74
- may have early possession of wreck (220, 221) 74
- disputes to be referred to Board of Trade (222) 75
- all wreck must be reported to Receiver (223) 75
- payments to (224) 75
- agent must produce authority to receive proceeds (224) 75

MANORS (see under LORDS OF MANORS).

MASTER:
- Receiver not to dispossess master of control (14) 14
- to be given advice and assistance by Receiver (15) 14
- inquiries to be made of, on arrival in Port (126, Appendix I) 46, 170
- property belonging to deceased (201) 69
- to be treated as agent for the owners (207) 70
- to report obstructions to navigation (Appendix J) 170

MERCHANT SHIPPING ACT:
- 1894 (parts) (Appendix A) 97
- 1897 (part) ,, ... 137
- 1906 (part) ,, ... 137
- 1916 (Appendix A) 141

MINES:
- floating (see under " FLOATING MINES ").

MISSING SHIPS:
- particulars to be obtained, Inq. 1 and Wr. I (39) 19
- coal on board, nature of to be stated (78) 35

NAME BOARDS:
- to be entered in Report Book (108) 43

NATURAL HISTORY MUSEUM:
- to be informed of whales, porpoises or dolphins captured or washed ashore (136) 49
- expenses to be claimed from (136) 49

NAUTICAL ASSISTANCE:
- Receiver to seek assistance of Coastguard when necessary (22, 269) 16, 86
- at examination on oath, not always required (46) 21
- when Coastguard not available (269) 86

NORTHERN IRELAND:
- procedure in respect of carcases washed ashore (137, 138) ... 49, 50
- landing of live foreign animals to be reported (139) 50
- rota of Justices to hear salvage cases (164) 56
- scale of fees and costs to be awarded in salvage cases (165) ... 56
- allowances to witnesses (165) 57
- co-operation of Ulster Constabulary (see under " U.").

OATH OR AFFIRMATION:
- examination on oath, when required (44) 20
- form of deposition on oath (45) 21
- examination on oath, when to be omitted (59) 24
- method of taking (64) 25
- of interpreter and deponent (64) 25
- Oaths Act, 1909 (Appendix A) 140

OBSTRUCTIONS TO NAVIGATION:
- masters to report (Appendix J) 170
- reports made to Receiver to be forwarded to Board of Trade, Lighthouse Authority and Lloyd's (89) 37

OFFICER:
- definition of (20) 16
- has powers of Inspector under Sections 728 and 729 (29) ... 17

Page

OWNERS:
to be given advice and assistance by Receiver (15) 14
when present at place of salvage (112) 44
to produce satisfactory proof of ownership (113) 44
should complete proof of ownership as soon as possible (118) ... 45
delivery of property to (200 to 210) ... ... 69 to 71
payments by, when services are rendered (249) 80
accounts to (279) 88

PASSENGERS:
property belonging to deceased (202) 69

PILOTAGE ACT:
1913 (part) (Appendix A) 140

PILOT BOATS:
casualties to, Wr. 1 and Inq. 1 usually sufficient (52) 22

PILOTS:
salvage by (177 (*e*)) 62

PLEASURE BOATS:
casualties to, Wr. 1 and Inq. 1 usually sufficient (52) 22

PLUNDERING:
prevention of, methods to be adopted (13) 14
inability to suppress to be reported to certain departments by telegraph (13) 14

POLICE:
to be informed of property found on dead bodies (104) 42

POSTAGE:
and correspondence (293) 90

PRELIMINARY INQUIRIES:
legal provisions (17) 15
by whom to be made (18) 15
Receiver will make arrangements for inquiry into every casualty &c. (21) 16
action to be taken when assistance of Coastguard not available (23) 16
place where to be held (25) 16
powers of Officer under section 465 (29) 17
care and accuracy required (30) 17
when required (31) 18
best held by Receiver (32) 18
unnecessary when depositions are taken (33) 18
powers to summon witnesses (34) 18
form of summons to be served on witnesses (35) 19
expenses of witnesses (36) 19
examination of witnesses (61) 24
,, ,, ,, , persons who may be present at (62) 25
particulars to be ascertained (65) 26
when taken by Coastguard (268) 86

PROPELLER SHAFT:
breaking of (70) 33

PRINCIPAL OFFICER:
reports to, regarding casualties and unseaworthy ships (73) ... 33

PROSECUTIONS:
expenses of, to be submitted to Board of Trade Solicitor (270) 86
for misdealing with wreck, double value claimed (271) 86
expenses of witnesses (Appendix H) 167

RECEIPTS:
of salvors (198) 69
to be taken for all payments (283) 89

Page

RECEIVER OF WRECK:

definition of term (20) 16
duties of (2) 11
limits of district (4) 11
objects of office and powers (3, 110) 11, 43
power to act in the absence of Head Receiver (226) 76
certain persons not allowed to hold the office of (5) 11
to keep on good terms and co-operate with local officials, agents, &c. (6) 12
to make himself acquainted with boatmen and others who are likely to find wreck (7) 12
to be guided by advice of Coastguard (12, 176, 179) ... 13, 60, 63
has no power to intervene in management of ship if master objects (14) 14
to give advice and assistance to owners and masters (15) ... 14
if requiring assistance should recommend persons for appointments to act under section 465 (21) 16
to co-operate with Coastguard in making preliminary inquiries (22) 16
care and accuracy required (30) 17
responsible for all returns (42) 20
responsible for any loss through his failure to take proper measures for securing payment of fees and expenses for depositions taken (53) 22
not to retain Board of Trade minutes when action required cannot be taken (55) 23
steps to be taken by, where any vessel or aircraft has been sunk, stranded or abandoned (88, 90) 36, 38
to take possession of articles from ship, boat or aircraft in distress (91) 38
to assist Air Ministry in the investigation of accidents to aircraft (94) 39
to take possession of sunken or abandoned vessels or aircraft (95) 39
to enforce provisions of Sections 518 and 519 (98) 40
to put a fair construction on Derelict (100) 40
not to commence legal proceedings without instructions (110) ... 43
may appoint Valuer (125, 161) 46, 55
to cause carcases of animals washed ashore to be buried (130) ... 47
to give notice to persons interested, of his claims when wreck arrested by Admiralty Warrant (143, 144) 51
to resume possession of wreck released by Admiralty Court if claims not satisfied (146) 52
may conduct auction sale (153) 53
to assist in settlement of salvage claims and to act impartially (166, 168) 58, 59
not entitled to salvage (171) 59
may distribute salvage reward among salvors (179) 62
to detain property or obtain security if salvage disputed (182 to 186) 65, 66
position in regard to legal proceedings respecting salvage (187) 67
to be guided by Instructions regarding sale of wreck (188) ... 67
not responsible for property after giving up possession (203) ... 70
discharged from all liability after delivering wreck to any person (210) 71
to report interference by Lords of Manors &c. (211) 72
not to admit title of Lords of Manors without Board's sanction (215) 73
assistant or agent of Head Receiver may take custody of goods (227) 76

Page

RECEIVER OF WRECK—*continued.*
when not Customs Officer or member of the Coastguard, remuneration of (229) 76
accounts of deputies to be examined (230) 76
may delegate certain powers to Coastguard (231) 77
to furnish Coastguard with Form Wr. 6 (236) 78
generally disposes of wreck (243) 79
to guide Coastguard in wreck and salvage transactions (244) ... 79
travelling and personal expenses of (263) 83
books to be kept by (124, 242, 272 to 277) ... ... 46, 79, 86 to 88
accounts—*see under* A. ... ...

REMOVAL OF WRECKS:
sunken, stranded, or abandoned vessels and aircraft to be reported (88, 90) 36, 38

REPORT BOOK:
to be kept by Receiver (124, 242, 272 to 277) ... 46, 79, 86 to 88
particulars to be inserted correctly (274) 87
copies of entries to be sent to Board of Trade (278) 88
weekly return of entries to be sent to Head Receiver (278) ... 88

REWARDS:
for early intelligence of wrecks (26, 263) 17, 83
for articles identifying wrecks (27, 263) 17, 83
for articles identifying wrecked aircraft (28) 17

ROYAL SCOTTISH MUSEUM:
to be informed of whales, porpoises and dolphins captured or washed ashore in Scotland (136) 49
expenses to be claimed from (136) 49

SALE OF WRECK:
procedure (147 to 159, 225) ... ... 52 to 54, 75

SALVAGE:
as to depositions in regard to salvage cases (38) 19
cases subject to Admiralty jurisdiction (101) 41
effects of a master or seaman of a vessel should not be detained as security for (101) 41
of buoys (106) 42
payment of, or security for, to be obtained (117) 44
jurisdiction in Great Britain and Northern Ireland (160) ... 55
Valuer may be appointed in salvage cases (161 to 163) 55, 56
cases in Northern Ireland (164) 56
fees payable to assessors and umpires (165) 56
fees and costs to be awarded in Northern Ireland (165) ... 56
Receiver to assist in settling claims (166) 58
mode of settling claims (167) 58
Coastguard may act as assessor or umpire, if required (167) ... 58
for saving life (169) 59
in some cases paid by Board of Trade (170) 59
claims of Receiver (171) 59
,, Coastguard (172, 173) 59, 60
,, Customs Officer (174) 60
,, H.M. Ships (175) 60
principles to be followed in awarding and appointing (176, 177) 60
by pilots (177 (*e*)) 62
agreements made prior to performance of towage services (178) 62
apportionment of reward among salvors (179 to 181) ... 62 to 65
apprentices entitled to (180) 64
by foreign ships (181) 65
if disputed, detention to be made or security given. Applies to aircraft (182) 65
security to be by bond or deposit in cash (183, 184) 66

Page

SALVAGE—*continued.*
property to be released if security is lodged (185) 66
Receivers not to be party to legal proceedings (187) 67
payment of (189) 67
property not to be sub-divided to increase reward (190) ... 67
payment of, where net proceeds are small (191) 67
on foreign fishing gear (192) 67
payment in advance of sale, anchors and chains (193) 68
,, ,, articles other than anchors and chains (196) 68
,, ,, general (197) 69
special services rendered (194) 68
on dutiable articles (195) 68
salvors' receipts (198) 69
not to be advanced by Coastguard (245) 79
Salvor's warrant (274) 87

SEARCH WARRANT:
to be obtained in cases of secreted wreck (110, 236, 238, 239) 43, 78

SECURITY (see also BONDS):
not to include Receiver's fees, which must be paid in cash (184) 66

SHIP IN DISTRESS:
meaning of (43) 20
articles from, to be delivered to Receiver (91) 38
Receiver's fees (256) 82

SHIP, UNSEAWORTHY:
to be reported to Principal Officer (73) 33

SHIPS' PAPERS:
saved, to be recorded in depositions (72) 33

SHIPS OF WAR:
not to be detained for salvage (182) 65

STATIONERY AND FORMS:
how to be obtained (290, 291) 90

TELEGRAPHIC ADDRESS:
Air Ministry (11) 13
Mercantile Marine Department, Board of Trade (88) 37
Natural History Museum (136) 49
Royal Scottish Museum (136) 49
Fishery Board for Scotland (136) 49
Ministry of Agriculture, Northern Ireland (137) 50

TIMBER-LADEN SHIPS:
casualties to (75) 34

TOWAGE SERVICES:
agreements made prior to performance of (178) 62

ULSTER CONSTABULARY:
co-operation of, in wreck duties (246) (Appendix G) 79, 165
payments to (247, 248, 263) 79, 83

UMPIRE:
fees in salvage cases (165) 56

UNCLAIMED WRECK:
payment of proceeds to Lords of Manors (212 to 224) ... 72 to 75

VALUER:
may be appointed to value derelicts or wreck (125, 161, 196) 46, 55, 68
fees to be paid and by whom payable (162, 163, 259) ... 55, 56, 82

WARRANT:
to be given to Salvor (274) 87
to be obtained to enable search for secreted wreck (110, 236, 238, 239) 43, 78

Page

WHALES:
Report on legal position in Scotland (Appendix F) 164

WITNESSES:
to be examined whilst facts are fresh in their minds (30) ... 17
powers to summon for the purposes of preliminary inquiries (34) 18
forms of summons Inq. 2 and Wr. 4 (35, 48) 19, 21
expenses to be paid (36, 48) 19, 21
examination of (61) 24
persons who may be present at examination of (62) 25
oath or affirmation of (64) 25
allowances to, in Northern Ireland (165) 57

WRECK:
definition of term (101) 41
to be reported and delivered to Receiver (91, 96) 38, 39
custody of articles from ship, boat or aircraft in distress (91) 38
Receiver not to interfere if master or agent is in possession (93) 38
picked up by master of foreign vessel or British or Foreign Government vessel (97) 40
property not legal wreck may be detained by Receiver in certain circumstances (101) 41
does not include effects of a master or crew of a vessel (101) ... 41
procedure when delivered property is proved not to be wreck (102) 41
includes fishing boats, tackle &c. (103) 41
does not include buoys &c. belonging to a lighthouse authority (105) 42
belonging to H.M. Government (107) 42
improperly dealt with, to be searched for and seized (110, 236 to 239) 43, 78
offences connected with, to be reported to Board of Trade (110) 43
notices to salvors printed for exhibition (110) 43
Coastguard to assist in recovery of (111, 234, 235) 43, 78
procedure when owners or agents are on the spot (112) 44
agents to be treated as if owners (113, 114, 208) 44, 70
to be placed in safety and reported to Board of Trade (115) ... 44
or proceeds usually retained for one year unless claimed in the meantime (116) 44
before delivery, expenses to be paid (117) 44
proof of ownership to be completed as soon as possible (118) ... 45
found in one district and reported in another (119) 45
notices of, to be posted up at Custom House and sent to Lloyd's (120 to 123) 45, 46
picked up at sea. Inquiry to be made of masters (126) (Appendix I) 46, 170
arrested by Admiralty Warrant (141 to 146) 51, 52
sale of wreck. Procedure to be adopted (147) 52
sale of wrecked aircraft and aircraft wreckage. Procedure to be adopted (148) 52
applications to sell, write off, &c., to be made on Form Wr. 61 (149) 52
over £5 in value. Board of Trade sanction to be obtained for sale (149) 52
writing off. Board of Trade sanction necessary (149) 52
under £5 in value. Early sale desirable (150) 53
Receipt F. 24 for purchase-money (150) 53
sold by auction (153 to 155, 158) 53, 54
sales to be advertised (156) 54
procedure for advertising sales of (157) 54
Coastguard not, as a rule, allowed to purchase (159) 54

Page

WRECK—*continued.*
may be valued by a Valuer (161) 55
owners, if known, to be informed before selling (188) 67
not to be sub-divided to increase salvage reward (190) 67
protection of Customs Revenue (199) 69
delivery to owners or agents (200, 204) 69, 70
property of deceased master, crew or passenger of wrecked ship (201, 202) 69
expenses on the whole of the property to be paid (205) 70
claim after expiration of 12 months (206) 70
over £200 in value, not to be delivered up without reference to Board of Trade (209) 71
delivery not to prejudice title of third parties (210) 71
in possession of Receiver for one year to be sold (225) 75
claimed by Lords of Manors (*see* under "L").
guarding of, by civilians when Coastguard not available (233) ... 77
seized, how to be dealt with (240, 241) 79
in possession of Coastguard to be disposed of by Receiver (243) 79
commission and fees on (249 to 254) 80, 81
spread over more than one district, fees on (253) 81
taken possession of by a General Lighthouse Authority, fees on (257) 82
sold by Customs Officer, payment of expenses (265) 85
double value to be claimed in cases of prosecution (271) 86
estimate of value to be recorded in Report Book (273) 86
place where found, to be carefully described (274)... 87
receipts for payments in respect of (283) 89
Anglo-French Declaration regarding (Appendix K) 171
Anglo-Danish Agreement regarding (Appendix F) 174

WR. 1:
particulars to be filled in, regarding missing ships (39) 19
when to be filled up by Coastguard (41) 20
in regard to casualties to foreign ships (51) 22
all columns to be filled up with information required (56) ... 23
private nature of remarks in (56, 57) 23, 24
copies of, not to be sent to Lloyd's or the public (57) 24
to be sent to Board of Trade (86) 36

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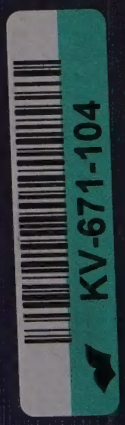
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